



FADING BELIEFS: Addressing the Lacunae in the Right to Religious Worship in Sri Lanka

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NCEASL works actively in three broad areas: mission and theology; religious liberty and human rights; and relief and development. NCEASL is affiliated to the World Evangelical Alliance (WEA), a worldwide network of over 620 million Christians in 129 countries. NCEASL is led by renowned social transformation, religious liberty and human rights activist Deshamanya Godfrey Yogarajah.

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List of Abbreviations

FoRB	Freedom of Religion or Belief
NCEASL	National Christian Evangelical Alliance of Sri Lanka
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination, 1965
UDHR	Universal Declaration of Human Rights, 1948
ICCPR	International Covenant on Civil and Political Rights 1966
GC22	UN Human Rights Committee's General Comment No. 22
KII	Key informant Interviews
PTA	Prevention of Terrorism (Temporary Provisions) Act (No. 48 of 1979)
SOC	Sectoral Oversight Committee
CCA	Non-profit Organisations Act and the Churches and Congregations Act
RTI	Right to information
IHRL	International Human Rights Law
GC23	UN Human Rights Committee's General Comment No. 23
PSO	Public security ordinance (No. 25 of 1948)

Introduction

In Sri Lanka, a concerning pattern emerges – a recurring narrative of religious violence targeting places of worship.¹ Amid various obstacles to the fundamental right of Freedom of Religion or Belief (FoRB), a significant challenge lies in the establishment and maintenance of places of worship. FoRB is not an isolated right; rather, it encompasses the collective dimension of religion. This right involves people practicing their religion or belief as a group, emphasising the crucial role of places of worship as central hubs for communal worship and collective religious activities. The significance of safeguarding the right to FoRB is underscored by the constitutional provisions under Article 10 that provides freedom of thought, conscience and religion and Article 14(1)(e) that grants the freedom to manifest one’s religion.²

Religious and cultural affairs in the country is overseen by the Ministry of Buddha Sasana Religious and Cultural Affairs (“Ministry of Buddha Sasana”). The Ministry of Buddha Sasana issued circulars in 2008³, 2011 and 2022 (hereinafter referred to as the “Ministry circular 2008”, “Ministry circular 2011” and “Ministry circular 2022,” respectively and “Ministry circulars” collectively) requiring formal approval from the Ministry for the construction of new places of religious worship.⁴ Religious groups have allegedly been instructed to obtain formal approval from the Ministry of Buddha Sasana for the construction of places of worship as provided under these circulars.⁵

There have been many instances of alleged violations of FoRB affecting minority religious groups⁶, however this

report specifically focuses on violations of religious freedom against Christians due to the limited data available. Just over a period of one year between November 2015 to September 2016, 47 violations of religious freedom were documented against Christians. Of the 47 violations, 14 incidents of violations of religious freedom were linked to the Ministry circular 2008, constituting approximately 30 percent of the total documented occurrences.⁷ Furthermore, as documented by NCEASL between September 2019 and September 2020, 63 incidents of anti-Christian violence were identified. Violence was directed at Christian religious leaders, Christian places of worship, church members and Christian owned businesses.⁸ Further documented episodes through press releases recorded anti-Muslim and anti-Hindu violence, which highlighted the ongoing vulnerability of ethno-religious minorities to such incidents.⁹ Another concerning factor of FoRB was the involvement of law enforcement and their lack of inaction in cases of religious violence and also apparent bias especially towards Christian places of worship.¹⁰ The Ministry circular 2008 was cited by both state and non-state entities to question the legitimacy of minority places of worship and to necessitate state ‘authorization’ or ‘registration’ with a designated state entity.¹¹ The 2008 circular was imposed despite the absence of a legal mandate for mandatory registration with any government body. Additional issues arose when minor religious groups lack recognition from the religious affairs departments, resulting in denial of registration with government departments.¹² The implementation of the Ministry circulars therefore creates a dichotomy, leading to the misuse of Ministry circulars

to challenge the legitimacy of unregistered places of worship, sometimes culminating in attacks, violence and acts that impede the right to FoRB.

The United Nations special rapporteur on FoRB observed restrictions on manifestation of religion or belief such as building of places of worship as one of the main challenges to FoRB in Sri Lanka.¹³ The report of the special rapporteur in 2020 on FoRB observed that since 2015, over 57 protestant Christian churches were directed to obtain registration.¹⁴ Evangelical Christian churches, in particular, experience pressure from local authorities to close unregistered places of worship, and some have been denied permission for their religious gatherings.¹⁵ Additionally, alleged incidents of intimidation, attacks on clergy and church members, vandalism of evangelical churches, and interference with religious activities are reported, often involving local villagers and Buddhist monks.¹⁶ Attacks and closures of mosques such as the incident of the mosque closure in Dehiwela in 2014 on the claims of it being unregistered have also seriously hindered the right to FoRB. The Dehiwela Mosque attack in 2014, led to its temporary closure. This incident raised doubts about the legitimacy of the place of worship due to lack of approval as per the Ministry circular. This was despite the Mosque being registered under the Muslim Mosques and Charitable Trusts or WAKF Act¹⁷. These incidents are concerning especially since the right to FoRB is embedded and entrenched in the Sri Lankan Constitution.¹⁸

International standards highlight various guidelines and norms that underscore the importance of protecting, promoting and guaranteeing FoRB, enabling people to practice their faith without prejudice. These principles stress the necessity for equitable, transparent, and non-discriminatory procedures for registering places of worship and acquiring property for religious purposes.¹⁹ Contrastingly, in Sri Lanka, the Ministry circulars have resulted in discriminatory practices against minority religious groups, hindering their worship rights through registration requirements and impeding FoRB. The unequal implementation of circulars, especially against minority religious groups, as evident in reported incidents, raises concerns about potential misapplication

and misuse, fostering inequality and discrimination. Discrepancies in implementation of Ministry circulars raises the question of whether the mandatory registration of places of worship is in harmony with or obstructs the right to FoRB. It is crucial to therefore scrutinize the substantive provisions in the Sri Lankan legal framework that protect, promote and guarantee FoRB in comparison with relevant international standards. The goal is to determine whether the registration requirements outlined in the circulars are in line with the principles of FoRB.

This report comprises five integral sections. The first section defines FoRB as per international human rights standards and explores the right to establish and maintain places of worship within the broader FoRB framework within domestic law. The second section highlights challenges to FoRB, including reported violations such as attacks on religious groups and places of worship, along with obstacles in registration processes and case studies on registration requirements for places of worship. The third section examines the international framework for FoRB, encompassing relevant conventions and standards emphasising this human right. The fourth section focuses on the domestic framework in Sri Lanka, including the Constitutional provisions of FoRB as established in the 1978 Constitution and pertinent statutory provisions. The fourth section thereafter assesses the alignment of the circulars with prescribed limitations under the right to FoRB guaranteed by the Sri Lankan Constitution and their legal standing. The analysis delves into the requirement of registration of places of worship having a negative impact on the enjoyment of FoRB, and the legal standing of the circulars, which is the main focus of this report. Finally, the fifth section concludes the report by offering legal and policy recommendations with an eye to upholding the right to FoRB in Sri Lanka.

This report aims to provide a comprehensive understanding of the current state of FoRB and registration of places of worship in Sri Lanka, highlighting areas where improvements are needed to ensure the protection of this fundamental human right.

Methodology

This study was commissioned by National Christian Evangelical Alliance of Sri Lanka (NCEASL). The report adopts a multifaceted approach that encompasses both primary and secondary sources of information. The report was compiled through desk-based research drawing on insights from a wide array of publicly accessible secondary sources, including academic publications, government reports and legal documents. The research was further supplemented by eight (08) key informant interviews (KIIs) with selected stakeholders and experts in the area to triangulate findings from the desk-based research. Key informants included religious leaders comprising three pastors, an activist from a civil society organization, an academic, a journalist and two officials from government departments. Five interviews were conducted virtually, and

three interviews were conducted physically. The team also utilized section 3 of the Right to Information Act No. 12 of 2016 (RTI Act) to submit requests for information, seeking records and documents relevant to the registration and regulation of places of worship. As of the writing of this report in March 2024 we have not heard back from the Ministry of Buddha Sasana. The research team used information publicly accessible up till December 2023, and the team's methodological approach aims to provide a comprehensive and well-rounded exploration of the establishment and maintenance of places of worship in the context of freedom of religion or belief.

I. Definition of Freedom of Religion or Belief

Brief introduction to the definition of Freedom of Religion or Belief (FoRB) and the Right to Establish and Maintain Religious Places of Worship.

Freedom of religion in simple terms, is the right to choose and practice any religion without interference. The right to FoRB generally encompasses the right of individuals to act in accordance with their beliefs, to worship or not to worship and to freely exercise this freedom without discrimination.²⁰ The term 'religion' is defined in the UN Human Rights Committee's General Comment No. 22 (GC22) from 1993. It articulates that 'religion' or 'belief' should not be limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions.²¹ This encourages states to apply FoRB in an expansive context as recommended in GC22. The establishment of places of worship represents the collective dimension of the right to FoRB as it includes the right to manifest religion or belief in worship, observance, practice and teaching.²² The right to establish and maintain places of religious worship therefore forms an integral part of the broader right to FoRB.

Several core international instruments recognize places of worship as an essential component of the manifestation of the right to FoRB.²³ Although international law lacks a precise definition of places of worship, Human Rights Council Resolution 6/37 -passed on 14th December 2007- urges states to ensure the full respect and protection of religious places, sites, shrines, and symbols.²⁴ It is also prudent to note that Sri Lanka abstained from voting on this resolution.

Article 9 of the Constitution of Sri Lanka grants Buddhism the foremost place thereby according to it a special status while assuring to all religions the rights granted under Article 10 (freedom of thought conscience and religion) and Article 14 (1) (e) (freedom to manifest religion in worship, observance, practice and teaching).²⁵ According to international law the fact that a religion is recognized as a State religion or that it is established as official or traditional or that its followers comprise the majority of the population, should not result in any impairment of the enjoyment of any of the rights under the International Covenant for Civil and Political Rights, including Articles 18 and 27, nor in any discrimination against adherents to other religions or non-believers.²⁶ Specifically, measures such as limiting government service eligibility, providing economic privileges exclusively to the followers of the state or predominant religion, or imposing restrictions on the practice of other faiths are inconsistent with the prohibition of religious discrimination and the assurance of equal protection.²⁷

Keeping in line with international standards, the Supreme Court in *Premalal Perera V Weerasuriya and Others*, adopted a broad definition to FoRB to include, 'beliefs rooted in religion are protected. A religious belief need not be logical, acceptable, consistent, or comprehensible in order to be protected. Unless the claim is bizarre and clearly non-religious in motivation.'²⁸ As portrayed in the *Premalal* case, religion and religious beliefs are dynamic

and inherently personal, resisting confinement within specific sects or defined sets of religions. In this context, the concept of religion is broad and ever evolving.

However, despite adopting a broad interpretation for religious beliefs in *Premalal Perera V Weerasuriya and Others*, it has also been observed that the broad approach to the interpretation of religious beliefs has not always been the practice and the Sri Lankan Supreme Court has in instances interpreted 'religion' and 'religious practices' narrowly.²⁹ The Supreme Court Determination No. 2/2001 (Christian Sahanaye Doratuwa Prayer Centre) involved a bill that was placed before parliament seeking legal recognition for the establishment of a prayer centre. The petitioner raised two primary arguments in the case. First, they contended that clauses 3 and 4 of the bill, which outlined the objectives and powers of the Corporation, were inconsistent with Article 10 of the Constitution, which guarantees freedom of thought, conscience, and religion. The bill included clauses that provided for the assistance of persons to obtain job opportunities, drug rehabilitation, and training people to engage in self-employment. The petitioner also argued that these objectives would grant the Corporation favourable treatment over other individuals engaged in religious activities, violating the right to equality under Article 12(1) of the Constitution.³⁰

The Supreme Court noted that engagements integrating commercial and economic activities could encroach upon the freedom of thought and conscience safeguarded by Article 10. The Court asserted that an individual of a non-Christian faith, benefiting financially from the services offered by a Christian organisation, might be tempted to convert to Christianity due to the benefits received. The Supreme Court drawing on an Indian judgment, emphasised that there is no fundamental right to propagate one's religion. Additionally, the Court found that the rules of the corporation seeking incorporation were not in line with the Constitution and declared that clauses 3 and 4 of the bill was inconsistent

with Article 10 of the Constitution. Therefore, the bill could only be passed with a two-thirds majority in Parliament and approval through a referendum, reflecting the Court's narrow interpretation of religious freedoms.

Furthermore, the Supreme Court Special Determination No. 2 of 2003 further referred to Supreme Court Determination No. 2/2001 (Christian Sahanaye Doratuwa Prayer Centre) and reaffirmed that improving the socio-economic conditions of people from different religions could violate the freedom guaranteed by Article 10 of the Constitution.³¹ These cases revolve around the restriction of incorporating Christian organisations due to the concerns that associating economic activities with religious practices might potentially lead to conversions. Notably, despite these positions, numerous other religious groups with similar objectives were successfully incorporated during the same period the determination was made.³²

Furthermore, in terms of defining places of worship in Sri Lanka, the most recent and current circular issued in 2022 (i.e., the Ministry circular 2022, which is the circular that is presently in force) defines religious centres, prayer centres, and places of worship broadly. As per the Ministry circular 2022, religious centres, places of worship, prayer centres, or any such establishments engaged in collective worship are to be duly deemed as religious centres, places of worship, and prayer centres under the Ministry circular 2022. Additionally, any structure or land utilized for religious activities are deemed as religious centres, sacred places (puja stanayak) or prayer centres.³³ However, it is important to note that this broad definition for places of worship is primarily a regulatory measure, requiring registration. This differs from international standards, which emphasise that states have a responsibility to facilitate the process of registering religious or belief communities, ensuring it is swift, transparent, equitable, all-encompassing, free from discrimination, and based on voluntary participation.³⁴

II. Background/Context

This section examines challenges faced by religious communities in Sri Lanka, focusing on the registration and approval processes for places of worship. It explores the impact of administrative circulars, particularly Ministry circulars, on the realisation of FoRB. Through selected case studies and incident report analysis, the section illustrates challenges such as attacks on places of worship, obstacles in the registration process, and specific cases highlighting the complex regulatory landscape. The data was collected from incident reports from NCEASL, the United States International Religious Freedom Reports of Sri Lanka, key informant interviews with religious leaders, news report articles, academic reports and the United Nations special rapporteur report on FoRB for Sri Lanka. The goal is to provide a concise overview of the multifaceted issues surrounding FoRB in Sri Lanka.

According to the Sri Lankan census from 2012, the religious demographics exhibit diversity with Buddhists comprising the majority at 70.1%, followed by Hindus at 12.6%, Muslims at 9.7%, and Christians at 6.2% and others at 1.2 % of the total population.³⁵ These communities are spread unevenly across the country, with Buddhists forming a majority in 16 of 25 districts, primarily among the Sinhalese.³⁶ Hindus are the largest minority, mainly among Sri Lankan Tamils and Hill Country Tamils.³⁷ While, the Muslim population is widespread, with substantial populations in the South.³⁸ Christians, predominantly Roman Catholics and Protestants, are dispersed in various districts.³⁹ According to the census

of 2012, the majority of Muslims adhere to the Sunni denomination, and Christians are predominantly Roman Catholic. The diverse religious landscape also includes but is not limited to smaller religious groups in the country. They include Baha'is, Shias (specifically the Bohra community), Sufis, Ahmadis, Jehovah's Witnesses, Methodists, Pentecostals, and Evangelicals. Additionally, there is an indigenous community known as the Veddas, who follow traditional beliefs etc.⁴⁰

Sri Lanka's mainstream religious faiths include Buddhism, Hinduism, Christianity and Islam and these fall under the scope of the Ministry of Buddha Sasana which is mandated to oversee all religious and cultural affairs in the country.⁴¹ On 10th December 2019 the Ministry of Buddha Sasana Religious and Cultural Affairs was formed to oversee all religious and cultural affairs in the country. Accordingly all individual Ministries of Christian, Hindu and Muslim religious affairs were integrated under the Ministry of Buddha Sasana.⁴² Prior to 2019 the Buddhist, Christian, Hindu and Muslim religious affairs were handled by their respective cabinet Ministries.⁴³ For instance, the Ministry of Religious Affairs and Moral Upliftment (now known as the Ministry of Buddha Sasana, Religious and Cultural Affairs) exclusively managed matters relating to Buddhism.⁴⁴ Since August 2020 by virtue of the extraordinary Gazette of the democratic Socialist Republic of Sri Lanka No. 2187 of 71 the departments for Hindu, Christian, and Muslim affairs were vested under the Minister of Buddha Sasana.

While Sri Lanka has a diverse religious landscape, key informants have noted that religions outside these mainstream religious faiths often lack recognition from relevant departments, rendering them ineligible for registration with any of the religious affairs departments. The challenges associated with religious registration primarily affect smaller religious groups within minority communities.⁴⁵ KIIs with religious leaders illustrated that evangelical churches, in particular those that function within a house are not able to register with the Christian Affairs Department.⁴⁶ Furthermore temples dedicated to unfamiliar gods or deities not recognised in Hinduism may face rejection, underlining the challenge of determining eligibility based on religious adherence.⁴⁷ This in turn may result in some smaller places of worship facing administrative obstacles, such as being unable to open bank accounts, due to the absence of registration avenues.⁴⁸ The fundamental right to establish and maintain places of worship is a cornerstone of the broader right to FoRB, allowing these religious communities to exercise their faith freely. However, this essential right

has faced restrictions in Sri Lanka, primarily stemming from the challenges associated with the registration of places of worship.

While there exists no legislation that explicitly mandates such registration or prescribes sanctions for non-compliance, the issuance of the Ministry circulars, requiring approval for the construction of new religious places of worship as well as other incidental circulars affecting places of worship, has introduced several challenges. It was further revealed through a KII with a government department official that the most recent Ministry circular 2022 is presently undergoing a review for necessary revisions.⁴⁹ On the other hand, an official from the Hindu Affairs Department revealed that the Ministry circular 2022 serves as the basis for registration for Hindu places of worship. Temples must complete this application and submit it to the Hindu Affairs Department. Upon thorough verification of completed requirements, the application is forwarded to the Ministry of Buddhist Affairs for final approval.⁵⁰

A. Challenges to FoRB: Attacks on Places of Worship

Places of worship have reportedly experienced a range of attacks, including violent threats, vandalism, and forced closures. Incidents cite Ministry circulars, to justify the attacks, citing non-registration as a basis for the same.⁵¹ The perpetrators have demanded proof of registration and have used the lack of registration as a basis to allege wrongdoing, justify threats, and rationalize their assaults.⁵² Government regulations have been used by groups to lead attacks, to demand the removal of existing places of worship and to place restrictions on the construction of places of worship.⁵³ It has been observed that the Ministry circulars have provided the space for members of the public and officials of government to challenge the legitimacy of places of worship of minority communities in particular.⁵⁴ This was further affirmed by KIIs with a journalist and religious leaders such as

Christian pastors who highlighted the inconsistent and arbitrary implementation of registration requirements by different government officials.⁵⁵

Table 1 below outlines some incidents related to religious registration issues in Sri Lanka between March 2014 and April 2021. The information was obtained through desk research from NCEASL reports and United States International Religious Freedom reports, and it is not firsthand data. It provides a snapshot of events where religious institutions or individuals reportedly faced pressure, threats, or violence concerning their registration status. Reported incidents range from mosque closures, assaults on pastors, demands for registration, and disruptions of religious services.

Table 1: Alleged Incidents of Violations to FoRB

Date	Place	Incident
4th March 2014	Gangodawila, Colombo District	Dehiwela mosque temporarily closed due to a complaint regarding registration. The magistrate in Gangodawila later noted that the 2008 Ministry circular on authorized places of worship could not override the authority of the Wakf Board, which is legally responsible for registering mosques. ⁵⁶
6th September 2015	Bandaragama, Kalutara District	Police in Bandaragama reportedly attempted to enforce the 2008 circular by instructing the pastor of the Christian Centre to register with the Ministry of Buddha Sasana and Religious Affairs. This followed a complaint from the centre after local Buddhist monks allegedly forcibly entered, questioning the pastor's legal status. Approximately eight officers conducted an inquiry and compelled the pastor to sign an agreement to suspend worship activities until registration was completed. ⁵⁷
9th September 2015	Kegalle, Kegalle District	Four officers from the religious affairs branch of the divisional secretariat in Kegalle reportedly visited the residence of the Good Shepherd Gospel Centre's (GSGC) pastor. They instructed the pastor to register the GSGC and threatened to seal the premises if he refused. ⁵⁸
3rd April 2021	Ranala, Colombo District	Police allegedly initially stopped a pastor's religious activities and obtained a temporary order against her. Although the order expired, the police reportedly continued to harass her, falsely claiming it was still valid. ⁵⁹

Precedent from legal cases indicates that the Ministry circulars of 2008 and 2011 were associated with incidents of violence and the issuance of demolition orders.⁶⁰ It has also been observed that the acts of violence at the

community level often featured Buddhist clergy and local community groups, who either protested against or inflicted damage upon places of worship and members of the clergy.⁶¹

B. Challenges to FoRB: Five Obstacles in the Process of Registration of Places of Worship

Five key hurdles have been identified during the process of registration and construction for places of worship. These five key hurdles collectively illustrate the multifaceted challenges faced by places of worship in Sri Lanka. Addressing these hurdles are crucial not only for ensuring the FoRB but also for fostering a more inclusive

and harmonious society.

Table 2 below outlines a few challenges encountered by places of worship in their registration and construction processes.

Table 2: Challenges encountered by places of worship in their registration and construction processes

Hurdle	Description
Hurdle 1: Acquisition of Title Deeds	Rural communities face difficulties acquiring land deeds due to outdated land registry records and incomplete land surveys. ⁶² Challenges persist in upcountry regions where many temples are situated on estate lands. Obtaining proof of ownership is a significant hurdle, especially when dealing with estate managers or companies. ⁶³
Hurdle 2: Local Council Approval	Local council approval for constructing new religious buildings often requires majority consent from the local community, which is not consistently granted. ⁶⁴
Hurdle 3: Slow and Opaque Registration Process	Minority communities' express concerns about the registration process being slow and opaque. ⁶⁵ There is no passage for direct communication by the applicant with the Ministry of Buddha Sasana which ultimately grants approval for registration. ⁶⁶ The process further does not indicate a mechanism to appeal decisions, and there are no prescribed timelines for authorities to communicate decisions, ⁶⁷ process documents, etc.
Hurdle 4: Denied Construction Permits	Construction permits for houses of worship may be denied due to local community opposition. ⁶⁸
Hurdle 5: Lack of Effort to Address Challenges	Despite repeated appeals to local government officials and the Ministry of Christian Religious Affairs, church leaders reported limited success in addressing these challenges. ⁶⁹

C. Case Studies on Ad-Hoc Registration Requirements of Places of Worship.

In this section, we explore two case studies where places of worship were required to seek registration from public authorities. This has led to a convoluted, uncertain, and ad hoc process with unclear guidelines, making the registration of places of worship in Sri Lanka cumbersome and opaque. These challenges hinder the full exercise of the right to FoRB.

Case Study X: Incident reported at Cavalry Church, Embilipitiya.⁷⁰ (240 km Southeast from Colombo District)

In October 2022, a Pastor from the Pentecostal denomination was visited by the Embilipitiya Divisional Secretariat, a monk from the department of Buddha Sasana and religious affairs and a Grama Sevaka Officer emphasising the need to register the church according to a circular. The pastor stated that although the church was established through an Act of Parliament, they were still requested to seek permission for the church. The pastor stated that they were informed to fill out the necessary forms to seek approval from the Ministry of Buddha Sasana. The pastor was informed that if approved, the Divisional Secretariat

would grant permission. However, the Pastor stated that this process also requires consent from nearby temple leaders, which often presents challenges, as they are often unwilling to authorise new church establishments. The circular's complexity and the involvement of multiple approvals make registration difficult. The pastor and community have noticed that the circular could discourage Christian churches from registering in the future. Even when following the guidelines, additional requirements, such as obtaining approval from Buddhist clergymen in the area create further obstacles. In some cases, it has become nearly impossible to acquire land for church construction due to resistance from Buddhist clergymen and potential threats from the local community. This situation also affects renovation plans for existing places of worship.

Case Study Y : Incident reported at Foursquare Gospel Church, Gonawala.⁷¹ (15 km Northeast from Colombo)

In August 2023, Foursquare Gospel Church was attacked where stones were pelted at the church and the church secretary was physically assaulted, leading to injuries.

The pastor of the church was later told by the police to get permission from the Pradeshiya Sabha in order to carry out religious activities. The church had already registered under an Act of Parliament, which allowed it to operate legally. A clause within the said Act further permits the opening of branches. However, the police insisted on area-wise registration with the Pradeshiya Sabha and indicated that the Department of Christian Affairs should be contacted for this purpose. The church was unsure if others had gone through this procedure, as it seemed to be a complex and unfamiliar process to both local authorities and churches. The pastor explained that the church primarily operates as a house church, hosting around 25 to 45 attendees for prayers. The pastor stated that there were complaints from neighbours, who alleged disturbances during church activities. Additionally, alleged

false accusations arose when the house church sought to renovate its residential premises, with claims that they were building a church.

These two case studies highlight some of the challenges faced by non-traditional Christian churches in Sri Lanka regarding the registration and operation of places of worship. Both incidents showcase the complexities and uncertainties in the process of obtaining the necessary approvals and permissions. These challenges not only deter places of worship from registering but also hinder their ability to maintain or renovate existing places of worship. These cases underscore the need for clearer and more streamlined procedures, as well as interfaith dialogue to promote religious tolerance and cooperation in the region.

III. International Framework

A. International Standards on FoRB: Right to Establish and Maintain Places of Worship

International Human Rights Law (IHRL) guarantees the right to freedom of religion or belief. This right is recognised in several international human rights instruments both binding and non-binding. While binding agreements carry legal obligations for states, non-binding instruments and resolutions provide important

guidance and recommendations for promoting FoRB. This section will cover both binding and non-binding international instruments concerning FoRB and the right to establish and maintain places of worship. These instruments are identified in Table 3 below.

Table 3: International Instruments Relevant to FoRB

International Instrument	Sri Lanka's Status	Binding/Non-Binding
Universal Declaration of Human Rights (1948)	No status	Non-Binding
International Covenant on Civil and Political Rights (1966)	Acceded on 19 th June 1980. ⁷²	Binding
International Convention on Elimination of All Forms of Racial Discrimination (1969)	Acceded on 18 th February 1982. ⁷³	Binding
Declaration on the Elimination of all forms of Intolerance and Discrimination Based on Religion or Belief (1981)	No status	Non-Binding
Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992)(General Assembly Resolution 47/135)	No status	Non-Binding

1. Binding Instruments

1.1 International Covenant on Civil and Political Rights (ICCPR)

Article 18(1) of the ICCPR categorically states that everyone has the right to freedom of thought, conscience, and religion.⁷⁴ This freedom encompasses the right to

choose or adopt a religion or belief, and the freedom to manifest this belief individually or collectively, publicly or privately, in worship, observance, practice, and teaching.⁷⁵ Paragraph 4 of the UN Human Rights Committee's General Comment No. 22 (GC 22) that interprets and provides guidelines on Article 18 of the ICCPR provides

that ‘the concept of worship extends to ritual and ceremonial acts giving direct expression to belief, as well as various practices integral to such acts, including the building of places of worship’.⁷⁶ The concept of worship goes beyond the formal rituals that reflect one’s faith; it also encompasses related activities, such as the building of places of worship.

The essential right to freedom of religion ensures that individuals can participate in communal religious activities, whether in public or private spaces.⁷⁷ It is important to note that this protection also extends to religious groups through the freedom of association.⁷⁸ Article 22 of the ICCPR refers to freedom of association and it has been viewed that this includes the rights of individuals to form associations, including religious ones for the protection of their interests.⁷⁹

Article 26 of the ICCPR affirms that every individual should be treated equally under the law and be protected from discrimination on various grounds encompassing religion and other factors.⁸⁰ General Comment No. 18 of the ICCPR addresses the bedrock provision of non-discrimination and provides that while Article 2 of the ICCPR focuses on safeguarding specific rights enumerated within it against discrimination, Article 26 assumes a distinct and autonomous role.⁸¹ Article 26 establishes an overarching principle of non-discrimination that applies universally across various fields governed and protected by public authorities. Consequently, when a state party formulates legislation, it must adhere to the fundamental requirement laid out in Article 26 – that the content of such legislation must be free from discriminatory elements.⁸² This essential principle extends beyond the confines of rights explicitly delineated in the ICCPR, encompassing all spheres regulated by public authorities.⁸³

Article 27 of the ICCPR further aims to prevent discrimination against any religion or belief, especially those belonging to religious minorities.⁸⁴ Article 27 includes, among other things, the right of religious minorities to profess and practice their own religion in community with other members of their group. Paragraph 5 of the UN Human Rights Committee’s General Comment No. 23

(GC 23) on Article 27 defines those who are intended to be protected by Article 27 of the ICCPR.⁸⁵ This protection applies regardless of citizenship or permanent residency. While the ICCPR does not precisely define ‘minorities,’ it is generally understood as groups sharing common cultural, religious, or linguistic characteristics.⁸⁶ GC 23 clarifies that individuals within these minorities don’t need citizenship or permanency to enjoy these rights. In essence, Article 27 ensures that religious minorities can freely practice their beliefs and customs, emphasising equality and non-discrimination.⁸⁷

However, the right to freedom of religion and association are restricted if certain conditions are met.⁸⁸ Restrictions must be prescribed by law and necessary in a democratic society, serving interests like public safety, public order, or the protection of others’ rights and freedoms.⁸⁹ Lawful restrictions can also apply to the armed forces and police.⁹⁰ In essence, these limitations must be legally prescribed and necessary, to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.⁹¹ GC 22 further elaborates that limitations must be established by law and not vitiate the rights guaranteed on FoRB and applied in a strict manner, in keeping with the specified grounds.⁹² Importantly, restrictions should never be imposed with discriminatory intent or applied in a discriminatory manner. Moreover GC 22 states that the right to freedom of religion in Article 18 remains inviolable, even during public emergencies, as articulated in Article 4 (2) of the ICCPR.⁹³

Article 16 of the ICCPR provides that ‘everyone shall have the right to recognition everywhere as a person before the law’.⁹⁴ According to the 2011 report by the Special Rapporteurs on FoRB to the Human Rights Council⁹⁵, the term ‘recognition’ within the context of FoRB can be understood in three distinct definitions:⁹⁶

1. The primary and fundamental meaning of ‘recognition’ is acknowledging that all individuals, as members of the human family, have inherent dignity and are entitled to rights in the realm of freedom of religion or belief.⁹⁷

2. Second, 'recognition' pertains to the state granting legal personality status to religious or belief communities, enabling them to engage in collective legal activities. This status usually involves specific administrative procedures that should be easily accessible and free from unjust obstacles, both in theory and in practice.⁹⁸ States should guarantee that procedures related to legal personality status for religious or belief communities are speedy, transparent, equitable, inclusive, and free from discrimination, recognizing their importance in upholding FoRB.⁹⁹
3. Third, recognition can involve privileged positions like tax exemptions or financial subsidies, which are not automatically granted but should adhere to principles of equality and non-discrimination if provided.¹⁰⁰ This approach aligns with international interpretations of 'belief' and 'religion', ensuring protection for all religions and beliefs, including

minority or newly established ones facing potential hostility.

1.2 International Convention on Elimination of All Forms of Racial Discrimination (1969) (ICERD)

Article 5 of the ICERD commits state parties to prevent and eliminate racial discrimination in all forms, ensuring equal treatment for all irrespective of race, colour, or national origin before the law.¹⁰¹ This equality extends to various rights, including the right to freedom of thought, conscience, and religion.¹⁰² General Recommendation 20 on Article 5 of the Convention obligates states to ensure that various human rights, including freedom of religion, are enjoyed without racial discrimination.¹⁰³ It emphasises that when states impose restrictions on these rights, they must ensure that such limitations are devoid of racial bias.¹⁰⁴ These principles apply universally to residents and citizens, with states encouraged to report on their non-discriminatory implementation.¹⁰⁵

2. Non-Binding Instruments

2.1 Universal Declaration of Human Rights (UDHR)

The Universal Declaration of Human Rights (UDHR), adopted by the United Nations General Assembly in 1948, represents a cornerstone in recognizing fundamental global freedoms, including religious freedom.¹⁰⁶ While the UDHR itself does not possess legally binding power, it does encompass a set of principles and rights grounded in established human rights standards found in other internationally binding agreements, such as the International Covenant on Civil and Political Rights. Furthermore, the UDHR holds significant weight as it was unanimously adopted by the General Assembly, signifying a strong commitment by member states to its execution.¹⁰⁷ Sri Lanka is a member state of the United Nations and, as such, is expected to uphold the principles of the UDHR. The UDHR is not a legally binding treaty, but it serves as a foundational document that outlines fundamental human rights and freedoms.

Article 18 of the UDHR provides '*Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.*' Article 2 of the UDHR underscores equality and non-discrimination, ensuring universal rights without distinction of any kind inter alia religion.¹⁰⁸ Meanwhile, Article 7 crucially upholds equal protection before the law, affirming justice and impartiality while safeguarding individual rights and dignity.¹⁰⁹

The UDHR comprehensively addresses the right to freedom of religion or belief, emphasising the communal aspect of religious practice.¹¹⁰ While some may view religion as a personal matter, it is important to recognize that for many, religious activities are communal and cannot be practiced in isolation.¹¹¹ The UDHR encompasses the freedom to manifest one's religion either

individually or collectively, in public or private settings, covering worship, observance, practice, and teaching. Implicit in these principles is the importance of allowing individuals to engage in communal religious activities with others who share their beliefs, free from state interference.¹¹² Essentially, the right to adopt and practise a religion or belief, to practise it without hindrance and to share it with others deserve strong protection because they are closely tied to core religious beliefs and practices.¹¹³

2.2 Declaration on the Elimination of all forms of Intolerance and Discrimination Based on Religion or Belief 1981

Article 6 of the Declaration provides a comprehensive application of the right to religious freedom that is crucial for safeguarding freedom of religion.¹¹⁴ In particular, Article 6 (a) subject to Article 1(3), provides the right to worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes.¹¹⁵

Article 1(3) of the Declaration however provides that while individuals have the right to practice their religion, this right can be limited by law to ensure public safety, order, health, morals, or the protection of the rights of others.¹¹⁶ Resolution 2005/40 by the Commission of Human Rights emphasised the importance of reviewing registration practices to protect the right to practice religion in various forms.¹¹⁷ This includes practicing religion individually or collectively, publicly or privately, and extends to the establishment of places of worship.¹¹⁸ Additionally, the resolution stressed the need to safeguard the freedom to establish religious institutions and ensure the unhindered establishment and maintenance of places of worship.¹¹⁹

2.3 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (General Assembly Resolution 47/135)

Article 2 of the 1992 Declaration emphasises the rights of minority individuals, including the freedom to practice their culture, religion, and language without discrimination.¹²⁰ This approach calls for proactive measures to protect these rights.¹²¹ Additionally, Article 2(4) and (5) of the 1992 Declaration highlight the rights of minorities to establish associations and engage in peaceful interactions within and between minority groups.¹²²

2.4 United Nations Resolutions on Freedom of Religion or Belief and Places of Worship

In the realm of international human rights, United Nations General Assembly resolutions address issues related to FoRB and the registration of places of worship. This section provides a concise overview of key UN resolutions emphasising the protection of religious rights, prevention of violence and intolerance, and promotion of peace and tolerance. These resolutions affirm the freedom to worship and assemble according to individual beliefs while encouraging adherence to international standards in establishing religious institutions.

Table 4 below summarizes United Nations resolutions related to registration, places of worship, and FoRB. These resolutions emphasise protecting religious rights, preventing violence and intolerance, and promoting peace and tolerance. They call for recognizing individuals' rights to worship and assemble based on their beliefs, reviewing registration practices, and ensuring the freedom to establish religious institutions in line with international standards.

Table 4: General Assembly Resolutions

Resolution Number	Date	Topic	Important Provisions	Status
A/RES/55/97	1st March 2001	Elimination of all forms of religious intolerance	<p>Paragraph 5 underscores that ‘limitations on religious freedom are only justified when legally prescribed and necessary to protect public safety, order, health, morals, or the rights of others, without infringing on the right to freedom of thought and religion’.¹²³</p> <p>Paragraph 7 ‘calls on all nations to recognize individuals’ rights to worship, assemble for religious purposes, and establish places of worship, aligning with the Declaration on Religious Intolerance and Discrimination’.¹²⁴</p>	Adopted without a vote. ¹²⁵
A/RES/55/254	11th June 2001	Protection of religious sites	<p>Paragraph 1 ‘Condemns all acts or threats of violence, destruction, damage or endangerment, directed against religious sites as such, that continue to occur in the world’.¹²⁶</p>	Adopted without a vote. ¹²⁷
A/RES/75/258	26th January 2021	Promoting a culture of peace and tolerance to safeguard religious sites	<p>Paragraph 1 ‘Calls for global dialogue promoting tolerance and peace, respecting human rights and religious diversity. Strongly condemns violence based on religion or belief, including attacks on religious places violating international law’.¹²⁸</p>	Adopted without a vote. ¹²⁹
A/RES/77/221	15th December 2022	Freedom of religion or belief	<p>Paragraph 13 expresses deep concern about ongoing obstacles to religious freedom, growing instances of intolerance, discrimination, and violence based on religion or belief, including acts against individuals and religious minorities worldwide.¹³⁰</p> <p>Paragraph 14 (f) Urges states to review registration practices to avoid limiting individuals’ right to practice their religion or belief, both individually and collectively, in public or private.¹³¹</p> <p>Paragraph 14 (i) Urges states to respect and protect the freedom of individuals and groups to establish and maintain religious, charitable, or humanitarian institutions in accordance with national laws and international human rights standards.¹³²</p>	Adopted without a vote. ¹³³

IV. Domestic Legal & Regulatory Framework

A. Domestic Legislation

This section delves into the constitutional and legislative landscape in Sri Lanka outlining the existing legal framework that protects the right to FoRB. The section explores the provisions outlined in the Sri Lankan

Constitution, the International Covenant on Civil and Political Rights (ICCPR) Act No. 56 of 2007, the Penal Code Ordinance No. 2 of 1883, and the Police Ordinance No. 16 of 1865.

1. Constitutional Provisions on the Freedom of Religion or Belief

Fundamental rights are guaranteed and protected under Chapter III of the Constitution of Sri Lanka. In the event of infringement or imminent infringement of these fundamental rights by executive or administrative action, the affected individual can seek remedy under Articles 17 and 126 of the Constitution.¹³⁴

The Constitution of Sri Lanka guarantees to every person the right to freedom of thought, conscience and religion as affirmed in Article 10.¹³⁵ The freedom of thought, conscience and religion, including the freedom to have or to adopt a religion or belief of a person's choice is absolute and non-derogable, which means it is not subject to any restrictions.¹³⁶

Article 14 (1)(a) of the Constitution provides that every citizen is entitled to the freedom of speech and expression, including publication. Expression may entail various forms, including political discourse, commentary on public affairs, journalism, cultural expression, teaching, and religious discourse.¹³⁷ The freedom of religion or belief and the right to opinion and expression

complement each other by allowing individuals, irrespective of their religious affiliations or absence thereof, to oppose intolerance, engage meaningfully, and contribute to society.¹³⁸ This right is however subject to limitations under Articles 15 (2) and (7) of the Constitution.¹³⁹

Article 14 (1)(b) provides that every citizen is entitled to the freedom of peaceful assembly which is also important in the context of the right to FoRB. The right to peaceful assembly can also be utilized to protect religious assemblies that enables one to manifest their right to freedom of religion or belief.¹⁴⁰ The right to freedom of peaceful assembly is subject to limitations as provided under Articles 15 (3) and (7) of the Constitution.¹⁴¹

Article 14 (1)(c) provides the right to freedom of association. This is significant for FoRB, because FoRB rights are often exercised in private or within communities, which introduces the element of association as an integral part of these rights.¹⁴² The right to FoRB and association can therefore be complementary and mutually reinforce each other. The two interconnecting

rights of FoRB and association provide an added layer of protection to religious organisations and communities from state interference in their communal activities as long as they do not impinge on the rights and freedoms of others.¹⁴³ The right to association is however subject to restrictions as provided in Articles 15 (4) and Article 15(7) of the Constitution.¹⁴⁴ The right is restricted as prescribed by *law* in the interests of national security, public order and the protection of public health or morality, or for the purpose of securing due recognition and respect for the rights and freedoms of others, or of meeting the just requirements of the general welfare of a democratic society.¹⁴⁵ It is also crucial to note that under this provision “law” includes regulations made under the law for the time-being, relating to public security.¹⁴⁶

Article 14(1) (e) includes the right of any individual, either by himself or in association with others, and either in public or in private, to manifest his religion or belief in worship, observance and practice. To exercise this right effectively, it is essential that individuals can: (a) hold prayer meetings at their private residences, (b) attend places of worship without hindrance, and (c) preach in places of worship without fear of violence or intimidation.¹⁴⁷ This right to manifest religion in worship, practice, teaching etc. can be restricted on specific grounds that are provided in Article 15 (7) of the Constitution.¹⁴⁸

Article 9 of the Constitution grants Buddhism the foremost place and makes it the duty of the state to protect and foster Buddha Sasana¹⁴⁹ while assuring to other religions the rights guaranteed under Articles 10 and 14 (1)(e).¹⁵⁰ This was a shift from the 1972 Constitution which refers to the duty of the state to protect and foster ‘Buddhism’.¹⁵¹ In this context Buddha Sasana is broader than Buddhism, encompassing a wider range of Buddhist practices and ideology not limited to teaching and practices but also including ‘temples, relics, temple lands and lay devotees’, and this indirectly places great prominence for Buddhism.¹⁵² The broad nature of the term ‘Buddha Sasana’ creates room for abuse by virtue of its wide definition and interpretation. Furthermore, despite the guarantee of the right to FoRB, including for minority religions, as guaranteed in Articles 10 and 14 (1)(e), the Supreme Court has not always adopted a

balanced approach that adequately considers the significance of these provisions.¹⁵³

This was evident in the Supreme Court Determination in 2003 in *Provincial of the Teaching Sisters of the Holy Cross of the Third Order of Saint Francis in Menzingen of Sri Lanka (Incorporation)*.¹⁵⁴ In this case, a bill titled ‘Provincial of the Teaching Sisters of the Holy Cross of the Third Order of Saint Francis in Menzingen of Sri Lanka (Incorporation)’ aimed to establish an organization focused on the Catholic religion through the operation of schools, including those assisted by the state, and providing educational and vocational training across various regions of Sri Lanka. Additionally, it intended to establish and maintain orphanages and homes for children and the elderly. However, the Court found that the Constitution does not recognize a fundamental right to propagate religion. While citizens have the right to manifest their own religion, spreading another religion is not guaranteed by the Constitution. Such propagation could hinder the existence of Buddhism, which is protected under the Constitution. Therefore, the bill was determined to be inconsistent with certain constitutional Articles and required a special majority and public referendum for approval.¹⁵⁵ However, the decision was referred to the Human Rights Committee for review. The Human Rights Committee, after considering all relevant information, found that Sri Lanka violated articles 18 (freedom of religion) and 26 (non-discrimination) of the International Covenant on Civil and Political Rights. The Committee emphasised that the state failed to justify restrictions on the authors’ religious practice and expression imposed by the Supreme Court’s determination of unconstitutionality. Additionally, the differential treatment of the authors’ religious order compared to others constituted discrimination under article 26. The Committee called on Sri Lanka to provide effective remedies, prevent similar violations, and report on measures taken within 90 days.¹⁵⁶

Chapter IV of the Directive Principles of State Policy address the state’s commitment to fostering national unity and eliminating discrimination.¹⁵⁷ It mandates the promotion of cooperation and mutual trust among all segments of society, including different racial, religious,

linguistic, and other groups.¹⁵⁸ Additionally, the state is obligated to ensure equal opportunities for all citizens, preventing any form of disadvantage based on factors such as race, religion, language, caste, gender, political opinion, or occupation.¹⁵⁹ While these principles lack legal enforceability, they serve as a cornerstone within Sri Lanka's constitutional structure, and are intended to inform the decision-making process when Parliament crafts legislation and when the executive branch, under the leadership of the President and Cabinet, administers

the nation.¹⁶⁰ The Supreme Court decision in *Bulankulama and Others v. Minister of Industrial Development and Others*¹⁶¹ established that the Directive Principles of State Policy impose an obligation on the state to progressively realize these rights. Applying a similar line of reasoning to religious freedom, one could argue that the state has a responsibility to foster the economic, political, and social conditions that facilitate the practice of all religious beliefs by creating an inclusive environment for the same.¹⁶²

2. The International Covenant on Civil and Political Rights (ICCPR) Act No. 56 of 2007

The International Covenant on Civil and Political Rights (ICCPR) Act No. 56 of 2007 (the Act) in Sri Lanka is the enabling domestic legislation for the ICCPR.¹⁶³ Section 3 in particular makes it illegal to propagate war or advocate hatred based on nationality, race, or religion that incites discrimination, hostility, or violence.¹⁶⁴ Additionally, individuals attempting, threatening, or assisting in committing this offense are also held accountable under the ICCPR Act. The penalty for such an offense is a maximum of ten years of rigorous imprisonment.

The purpose of Section 3 is to provide protection and safeguard vulnerable communities from being incited to commit acts of violence.¹⁶⁵ Nevertheless, concerns have been raised regarding its misapplication.¹⁶⁶ As noted by the UN Special Rapporteur on the Freedom of Religion or Belief, the ICCPR Act has been abused to curb the freedoms of thought, opinion, conscience, and religion or belief, instead of fulfilling its original purpose.¹⁶⁷ Moreover the overinclusive application of the Act and the broad scope of section 3 makes it particularly vulnerable to abuse.¹⁶⁸

3. Penal Code (Ordinance No. 2 of 1883)

Chapter XV of the Penal Code regulates certain offences related to religion. This section includes several provisions that offer protection for freedom of religion or belief, encompassing places of worship and religious assembly.

a group or with knowledge that such an act could be seen as an insult to their religion. The penalties include imprisonment for up to one year, fines, or both.¹⁷⁰ These provisions protect places of worship and individuals and religious classes of people.

Section 290 safeguards places of worship and sacred objects by penalizing those who intentionally insult a religion or any class of persons or anyone with the knowledge that any class of persons is likely to consider such destruction, damage, or defilement as an insult to their religion. Offenders can face imprisonment up to two years, fines, or both.¹⁶⁹

Section 291 makes it an offense to disrupt any religious assembly engaged in lawful worship or ceremonies. Offenders can face penalties, including imprisonment for up to one year, fines, or both.¹⁷¹

Section 290A makes it an offense for anyone to intentionally perform an act near a place of worship or a sacred object with the intent to hurt the religious feelings of

Section 292 makes it an offense to intentionally trespass or show disrespect in places of worship, burial sites, or during funeral ceremonies, with the aim of hurting someone's feelings or insulting their religion. Offenders can face penalties including imprisonment for up to one year, fines, or both.¹⁷²

However, in the case of *State v. R.K. Rathnayake and others*¹⁷³, a group of 75-100 individuals vandalized and set fire to a house church in Kuliypitiya, causing an estimated damage of LKR 391,000. Initially, charges were filed under various sections of the Penal Code for unlawful assembly, mischief by fire and including section 290 which entails defiling a place of worship.

However, in the final order, the charges were reduced to house trespass under section 434 and committing mischief causing damage under section 410, and only seven individuals were indicted.¹⁷⁴ It is imperative to prioritize a stringent approach in cases like this, rather than adopting a lenient attitude, to consistently protect and promote the right to FoRB.

4. Police Ordinance No. 16 of 1865

Section 79 of the Police Ordinance prohibits the possession of dangerous weapons at public gatherings, including religious events, and criminalizes the use of threatening or abusive language or behaviour that is intended to incite disturbances in public meetings and processions.

Furthermore, section 56 of the Police Ordinance also provides for the duties of police officers including preventing crimes and public nuisances, preserving the peace, apprehending disorderly and suspicious individuals, bringing offenders to justice, to collect and communicate intelligence affecting public peace, and promptly obeying lawful orders and warrants issued by competent authorities.

Section 56 of the Police Ordinance therefore lays down the duties of the police requiring them to intervene in situations as provided in this section.

Section 80 of the Police Ordinance also provides permits for the use of sound in public spaces. This is particularly important in the context of places of worship where incidents of nuisances are reported arising from the use of loudspeakers. In *Ashik v. Bandula and Others*¹⁷⁵, also known as the noise pollution case, the petitioners challenged a loudspeaker permit issued to a mosque under section 80 (1) of the Police Ordinance, arguing that the early amplified call to prayer caused hardship. The Supreme Court, emphasising Sri Lanka's secular nature, revoked existing permits and banned noise permits between 10 pm and 6 am, except for specific events. This ban potentially disadvantaged Muslim worshippers, as the Islamic call to morning prayer occurs before 6 am, prompting questions about balancing community interests in a secular context.¹⁷⁶

5. Prevention of Terrorism (Temporary Provisions) Act (No. 48 of 1979) ("PTA") as amended.

Section 2 (1)(h) of the PTA protects FoRB by criminalising any act that causes violence, ill will, disharmony, or hostility between different religious groups.¹⁷⁷ Activity specified in section 2 (1)(h) includes words spoken or written, signs, visible representations, or any other

means with the intent to cause acts of violence or religious, racial, or communal disharmony, or feelings of ill will or hostility among different communities or racial and religious groups, will be deemed guilty of an offense.

6. Sri Lankan Legal Framework vs. International Standards on Freedom of Religion and Belief (FoRB)

Table 5 below provides a concise comparison between key aspects of the Sri Lankan legal framework related to FoRB and corresponding international standards

outlined in the ICCPR which is binding on Sri Lanka, highlighting disparities in equality and non-discrimination, privileging of religion, and limitations on FoRB.

Table 5: Comparison with International Standards

Aspect of FoRB	Sri Lankan Legal Framework	International Standards	Gap Analysis
Equality and Non-discrimination	Article 10 of the Constitution of Sri Lanka applies to all persons, but in Article 14 (1)(c) and (e) of the Constitution of Sri Lanka rights are limited to citizens.	ICCPR Article 2 (1) applies rights to all individuals within a state's territory without discrimination.	The Constitution of Sri Lanka distinguishes between citizens and non-citizens, potentially conflicting with ICCPR's non-discrimination principle. ¹⁷⁸
Privileging of Religion	Article 9 of the Constitution of Sri Lanka grants Buddhism the foremost place.	ICCPR does not privilege any religion.	The Constitution privileges Buddhism, deviating from ICCPR's principle of equal treatment of religions. ¹⁷⁹
Limitations on FoRB	Article 15 (1)(4) and (7) of the Constitution of Sri Lanka impose restrictions on grounds such as racial and religious harmony, national economy, etc.	ICCPR Article 18 (3) introduces the concept of necessity as a condition for limitations, which is not present in Sri Lankan law.	The law imposes additional grounds for restrictions over and above those in ICCPR. ¹⁸⁰
Minority Protection	Article 9 of the Constitution of Sri Lanka grants Buddhism the foremost while not having any provision that specifically protects minority similar to Article 9 & Section 3 of the ICCPR Act provides the right to be free from religious or racial hatred.	ICCPR Article 27 on minority protection grants special protection in states where ethnic or religious minorities exist, the right to profess and practice their own religion in community with other members of their group.	The Constitution and the ICCPR Act of Sri Lanka lack a single provision that explicitly recognizes the collective rights of minority groups in a manner similar to Article 27 of the ICCPR

7. Statutory laws relevant to places of worship

Within the legal framework of Sri Lanka, the establishment and administration of places of worship are regulated by a combination of legislative Acts and Ordinances. There are legal provisions that pertain to both Christian denominational and nondenominational churches within Sri Lanka.¹⁸¹ Places of religious worship are also established through Acts of Parliament, which enables them to govern their administrative affairs.¹⁸² As provided in table 6 below there are separate Ordinances and Acts that apply to the administration and registration of Buddhist temples and Muslim places of worship. The Department of Hindu Affairs further provides for registration of Hindu religious institutions which is a non-legislative, administrative procedure.¹⁸³ The Hindu and Christian places of worship do not have any specific legislation pertaining to registration and administration unlike those that exist for Buddhism and Islam such as the Buddhist Temporalities Ordinance of 1921 and the

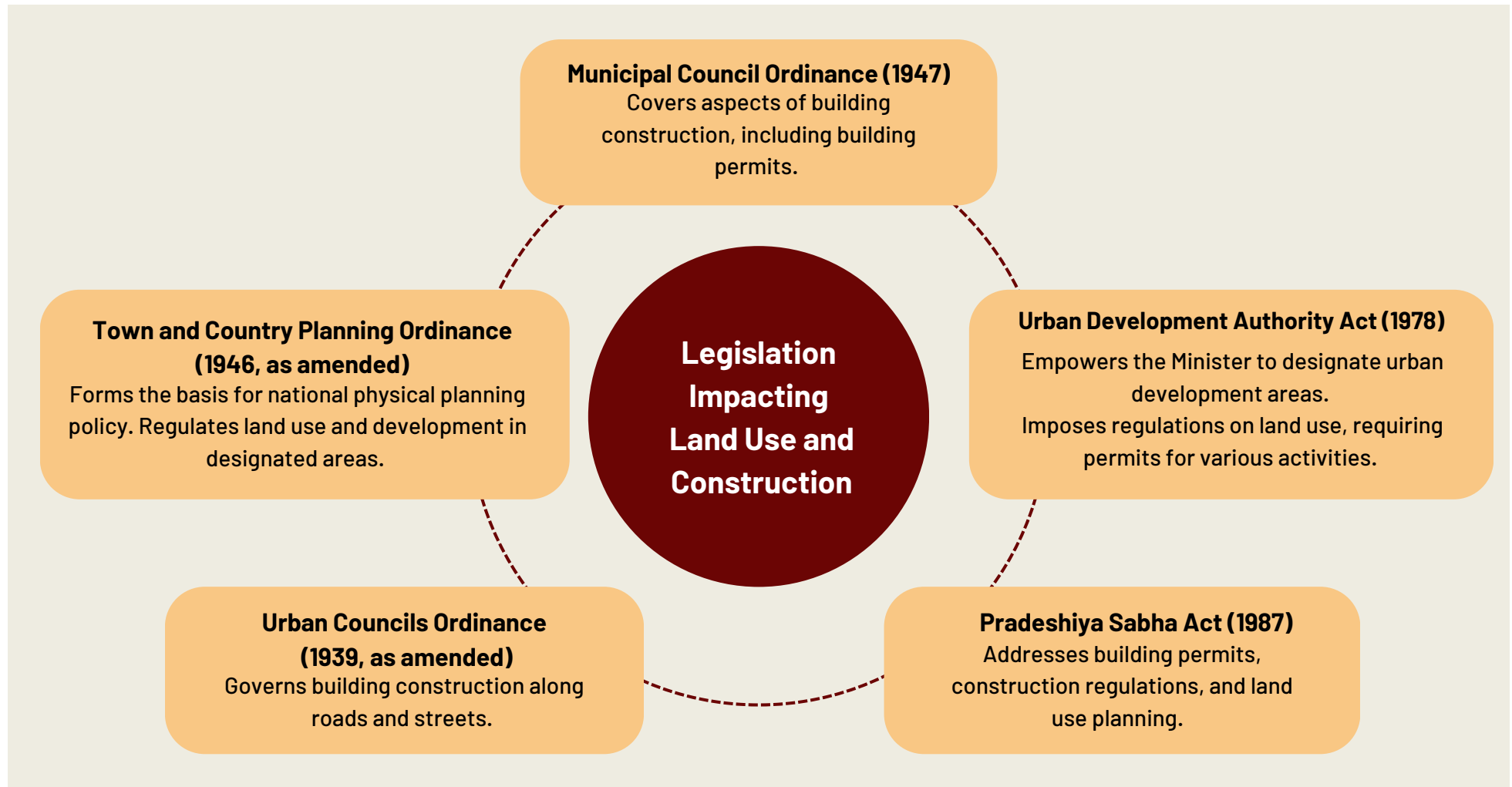
Muslim Mosques and Charitable Trusts or Wakf Act No. 51 of 1956 respectively.¹⁸⁴

However, as observed, it is essential to emphasise that the Buddhist Temporalities Ordinance or the Wakf Act mentioned above do not place any restriction on the expansion or location of religious places.¹⁸⁵ Instead, their primary purview lies in the regulation and oversight of the administrative aspects of these religious institutions.¹⁸⁶ This encompasses matters related to property rights, leadership structures, and financial management, among others.¹⁸⁷ While there is no legal requirement for the registration of new or existing places of worship, it is important to note that obtaining permission is necessary for the construction of buildings which includes places of worship.¹⁸⁸ The following tables 6 and 7 below provides a few key statutory laws that generally apply to places of worship.

Table 6: Statutory laws that generally apply to places of worship

Legislation Relevant to Registration & Administration of Places of Worship	Description
Buddhist Temporalities Ordinance of 1921 as amended. ¹⁸⁹	<ul style="list-style-type: none"> ▪ Administers matters related to Buddhist religious properties, temples and Bhikkus. ▪ Provides comprehensive regulations and guidelines for the management and governance of Buddhist religious institutions. ▪ Focuses on overseeing the administration and functioning of Buddhist temples and associated assets.
Muslim Mosques and Charitable Trusts or Wakfs Act No. 51 of 1956. ¹⁹⁰	<ul style="list-style-type: none"> ▪ Pertains to the registration and oversight of mosques and charitable trusts in the Muslim community. ▪ Establishes procedures for the registration of mosques, Muslim shrines, and places of religious resort. ▪ Outlines the application process for mosque registration, including submission and applicant criteria. KIIls revealed that registration under the WAKF Act enables Muslim places of worship to obtain legal personality status. ▪ Describes the mosque registration process, involving application review, verification, and documentation examination. ▪ KIIls observed that although registration is not mandatory, a Muslim place of worship may choose to register a place of worship six months from the date of establishment. However, in the event a Muslim place of worship does not register, the WAKF Act gives power to the Board to register a mosque even though an application for registration is not made. This however lies at the discretion of the Board. ▪ Registration is therefore not mandatory but subject to conditions prescribed under the WAKF Act. ▪ Section 18 of the WAKF Act further provides that any registered mosque may use the income to carry out any repairs and maintenance.

Diagram 1: Legislation impacting land use and construction



B. Circulars on FoRB and the right to establish and maintain places of worship.

This section delves into significant Ministry circulars as well as other incidental circulars affecting places of worship and are the main focus of this report. It is essential to examine the circulars in considering the fundamental right to FoRB, which is guaranteed protection under the Constitution of Sri Lanka, along with other safeguards discussed in Section A above. The Ministry circulars

and other incidental circulars affecting places of worship have implications for various aspects of religious freedom in the country. This section will explore the objectives and provisions contained in these circulars, shedding light on how they influence the construction of places of worship across different faiths.

1. Ministry Circular 2008

In October 2008, the Ministry of Religious Affairs and Moral Upliftment, now known as the Ministry of Buddha Sasana Religious and Cultural Affairs, issued a Circular directing Divisional Secretariats and local government entities to obtain prior approval from the Ministry for the construction of new places of worship.¹⁹¹

Furthermore a circular issued by the Inspector General of Police (IGP) in August 2009 (hereinafter referred to as police circular) (Refer [annexure 1](#)) states that the Ministry of Religious Affairs and Moral Upliftment issued guidelines to all local authorities concerning the construction of new places of worship.¹⁹² The police circular was further affirmed by way of a circular issued by the Prime Minister's Office, dated 28th June 2010, requesting all officers of the law enforcement to adhere to the IGP's directive.¹⁹³ The said police circular states that the police must support local authorities in addressing issues related to disruption of religious harmony arising from irregular construction of new places of worship that don't follow the guidelines issued by the Ministry of Religious Affairs and Moral Upliftment.¹⁹⁴ The objective for approval as provided in the circular is to mitigate potential disruptions to religious harmony associated with inappropriate constructions of religious sites across different provinces of the island.¹⁹⁵ It stipulates that when government land is sought for the establishment of religious premises, the formal application procedure should be overseen by the respective

Divisional Secretary.¹⁹⁶ Importantly, the police circular states that no approval can be obtained directly from the Ministry of Religious Affairs.¹⁹⁷

The police circular provides that any construction of places of worship require formal approval from the Ministry of Religious Affairs and Moral Upliftment, and commencement without such approval is not permitted.¹⁹⁸ The Ministry circular 2008 grants exemptions for submitting documentary evidence to prove credibility, especially for 'traditional' religions.¹⁹⁹ This exposes the marginalised numerical minority religious communities as revealed by KII to be the communities that face problems.²⁰⁰ Furthermore, the Ministry circular 2008 does not specify or define what is considered a 'traditional religion', leaving room for the authorities' subjective interpretation and potential biases in decision-making with regard to denying or granting permission for construction of new religious places of worship.²⁰¹

The Ministry circular 2008 has been criticised for being repeatedly used by government officials against minority religions and their places of worship.²⁰² A KII stressed the importance of the separation of religious matters from security concerns and reducing police involvement to only when breaches of the law occur.²⁰³ Moreover, Ministry of Buddha Sasana stated that the requirement of registration under the Ministry circular 2008 circular only applies to Buddhist places of worship.²⁰⁴

2. Ministry Circular 2011

On 2nd September 2011 the Ministry of Buddha Sasana, Religious and Cultural Affairs issued a circular regarding the construction of new places of worship²⁰⁵ (Refer [annexure 2](#)). The Ministry circular 2011 mandated that construction of new places of worship require approval from the relevant Ministry through the submission of form 'A Ga Sa 01'. The application procedure involves a series of steps, including obtaining the Grama Niladhari's attestation, securing observations and recommendations from the Divisional Secretary, and the chairman of the Pradeshiya Sabha.²⁰⁶

The Ministry circular 2011 states that irregularly constructed religious establishments and associated activities have garnered numerous complaints, resulting in various issues that threaten the longstanding peace and harmony within communities.²⁰⁷ Therefore the Secretary of the respective Pradeshiya Sabha is requested to establish an appropriate coordinated mechanism

with the support of the Grama Niladhari and the Buddhist Affairs Officer to prevent the operation of any illegally constructed and operating places of worship belonging to any religion. It further provides that if any public officer becomes aware of any party involved in the construction or operation of illegal places of worship, the constructing party must be informed of the legal implications. The Ministry circular 2011 also instructs public officers to seek assistance from the police, if necessary, to explain to concerned parties involved in the construction or operation of illegal places of worship that they must follow the application process. Notably, this stipulation is made even though there are no legal sanctions for the non-registration of places of worship. Although Ministry circular 2011 was revoked by a letter issued by the Ministry of Buddha Sasana in 2012²⁰⁸, it has been reported that law enforcement continued to cite this circular even after its revocation when attempting to close down places of worship.²⁰⁹

3. Ministry Circular 2022

A circular from the Ministry of Buddha Sasana, Religious and Cultural Affairs dated 21st April 2022, outlined a process for granting approval for the construction and functioning of places of worship.²¹⁰ (Refer [annexure 3](#)). The Ministry circular 2022 refers to growing demands for the need for legal amendments due to the aftermath of the Easter Sunday attacks that occurred on 21st April 2019. The Ministry circular 2022 further provides that the Sectoral Oversight Committee (SOC) on Public Security addressed these concerns and the Committee's report highlighted the importance of promoting harmony among different ethnic and religious communities in Sri Lanka while combating extremist ideologies through legislative and regulatory measures, based on the principle of one country, one law.²¹¹

The Ministry circular 2022 provides that religious centres, places of worship, prayer centres, or any such establishments engaged in collective worship shall be

duly deemed as religious centres, places of worship, and prayer centres under this circular. Furthermore, any structure or land utilized for religious activities and propagation shall be deemed religious centres, sacred places, or prayer centres.

The approval for the construction of new places of worship according to the Ministry circular 2022 requires the observations of the Divisional Secretariat of the relevant division, and requires clear recommendations provided by the Divisional Secretariat regarding the appropriateness or inappropriateness of the location for the proposed construction. Observations and recommendations of the Chairman of the Pradeshiya Sabha, or the Municipal Commissioner of the Municipal Council, or the Mayor of the Urban Council should also be included. To obtain approval for the construction of a place of worship, a recommendation letter from the Honorary Secretary monk of the Pradeshiya Sashanaarakshaka

Balamandala is required, with additional recommendation from the Chairman Monk if the application is submitted by the Secretary Monk. If the proposed land for construction is a private land it must be designated as belonging to and duly granted to with a deed of donation to the BIKSU Sangha and their future generations. If the land is state-owned then approval from the relevant state institution needs to be obtained. Private land requires a deed of donation, while land in conserved forest areas needs approval from the Forest Conservation Authority. Construction of Buddha Statues or Buddhist prayer rooms in public places like roads requires approval from the Divisional Secretariat, with any issues pertaining to it requiring Ministry approval. The Ministry circular 2022 states that adhering to these recommendations is crucial for obtaining approval for construction.

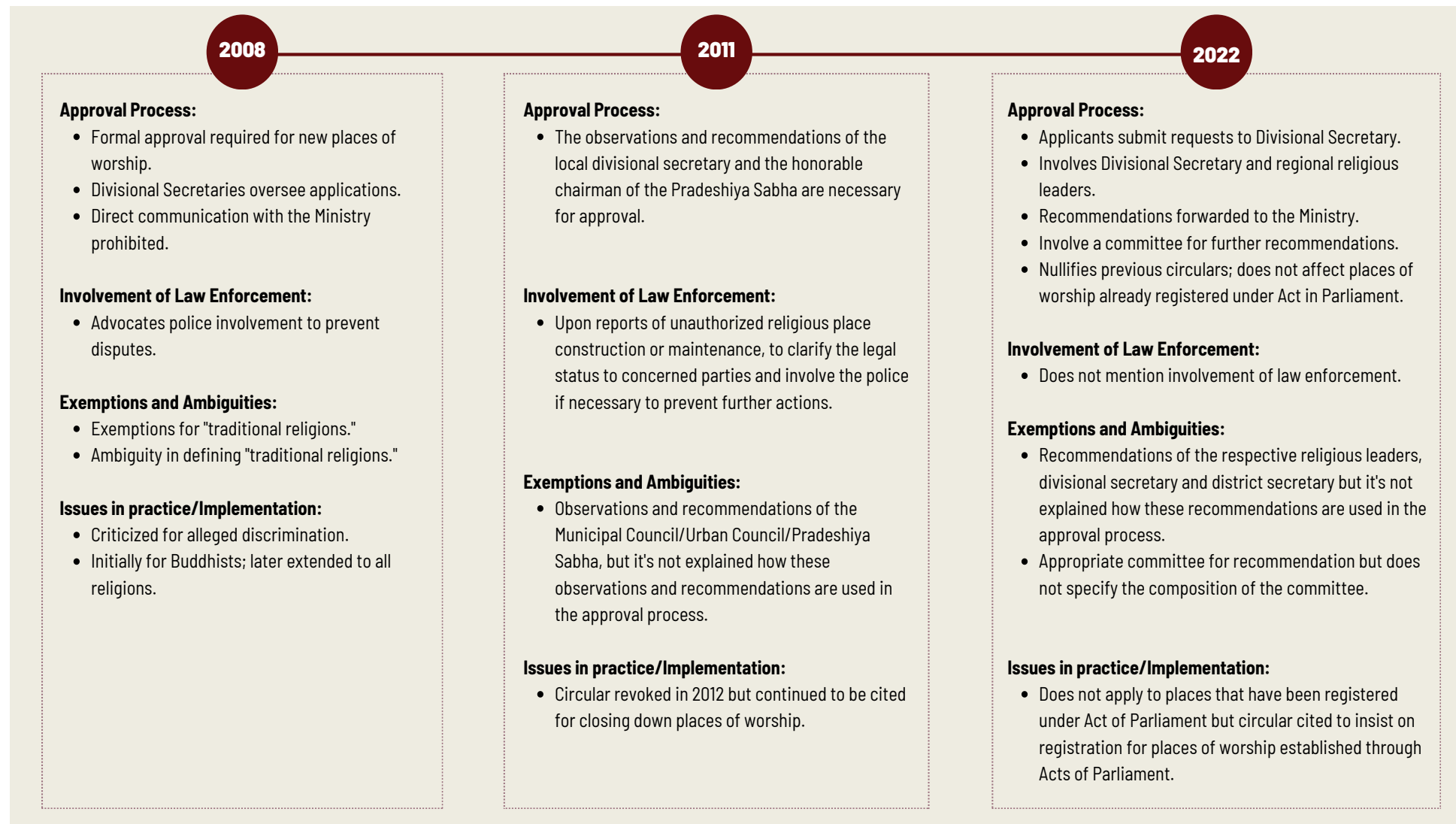
The application form attached to the divisional secretariat should be duly filled out by the applicant, along with recommendations from relevant religious and divisional leadership. For example, in the case of Buddhism, recommendations from the president monk or the secretary monk of the Sasanaarakshaka balamandala should be included. These recommendations, along with those from the divisional secretariat, should be provided to the district secretariat. The district secretariat, upon review and observation, should forward the application along with its recommendations to the secretary of the Ministry. If deemed necessary, the secretary may refer the application to a particular committee for further consideration. The Ministry circular 2022 provides that activities related to the main four religions (Buddhism, Hinduism, Islamism, and Catholicism) should be

coordinated through the heads of the relevant religious departments. It also requires various stakeholders, denominations, and religious groups to collaborate in this process.

Notably, the Ministry circular 2022 is said to cancel (අවලංගු) existing circulars. The cancellation of the other Ministry circulars could indicate that any future steps taken to give effect to previous circulars under the subject matter are rendered ineffective. As a result, public authorities should refrain from enforcing earlier circulars pertaining to the subject matter. The Ministry circular 2022 also indicates that it does not supersede any provisions set out in parliamentary legislation. Therefore, any religious centres, places of worship, and prayer centres, as well as religious symbols established and registered under parliamentary legislation (i.e., through an Act of Parliament), does not fall within the purview of the Ministry circular 2022. However, in practice KIIs reported incidents where places of worship established through Acts of Parliament have still been requested to register with the Ministry of Buddha Sasana.²¹² As illustrated in case studies X and Y above, despite churches being established through Acts of Parliament, which provide legal recognition, the requirement for registration questions their legitimacy as places of worship.

It is therefore evident that the Ministry circulars of 2008, 2011 and 2022 have raised concerns regarding their impact on minority religions, and inconsistencies in their application. The need for fair enforcement, and a balanced approach is necessary to safeguard religious rights and broader societal interests.

Diagram 2: Overview of the ministry circulars



C. Circulars vs. Acts

The Constitution is the supreme law of Sri Lanka. Legislative enactments made by way of Acts of Parliament come second in the hierarchy. Legislative enactments in Sri Lanka refer to acts or legislation passed by the Sri Lankan Parliament, which hold legal authority and are applicable to the broader public. Additionally, the judiciary contributes to the body of law through its decisions in specific cases, known as case law.

A pertinent question is whether the Ministry circulars and other incidental circulars can be regarded as law, or whether they are merely administrative orders.

What constitutes law?

Written law, as defined in the Constitution of Sri Lanka ‘means any law and subordinate legislation [and includes statutes made by a Provincial Council, Orders], Proclamations, Rules, By-laws and Regulations made or issued by anybody or person having power or authority under any law to make or issue the same.’²¹³

“Law” is also further defined in the Constitution as ‘any Act of Parliament and any law enacted by any legislature at any time prior to the commencement of the Constitution and includes an Order in Council’.²¹⁴ Therefore, for the Ministry circulars to be considered as law, they have to fall within these definitions as provided in the Constitution.

Judicial response to circulars

The Supreme Court decision in 2017 in *M.J.M Faril et al v. Bandaragama Pradeshiya Sabha et al*, adopted the view that the circular issued by the Ministry of Religious Affairs could be regarded as law and rejected contrary arguments. The petitioners in this case initially sought approval to construct a school building but faced issues with their building permit. The incident involved a

dispute over the construction of a school building on land owned by the petitioner’s mosque. Initially, approval was granted by the Pradeshiya Sabha and a development permit was issued as well. However thereafter, concerns arose regarding the purpose of construction. The authorities directed the petitioner to suspend construction due to complaints from residents and Buddhist monks. Thereafter, the police on the directions of the local authority informed the petitioner that since the construction was alleged to be for a place of worship and not a school it required approval according to the Ministry of Religious Affairs circular.²¹⁵ The lawyer for the petitioner argued that the circular in question does not fall within the interpretation of law. The court rejected this argument that the circular was inapplicable.²¹⁶ The Supreme Court held that the circular cannot be regarded as null and void. However, it is also important to note as pointed by the Honourable Judge that the prayer to the petition did not in fact call upon the Ministry of Buddha Sasana to quash the relevant circulars. The court concluded that there was no denial of equal protection under the law or violation of fundamental rights. The circular in question required approval from the Ministry for the construction of a Dhamma School, which the petitioners had not obtained.

Even if the purpose was for the construction of place of worship, the decision adopted by the Court to insist on approval of the Ministry of Religious Affairs through the circular could be viewed as curtailing the right to FoRB as guaranteed under the Constitution. In *Premalal Perera V Weerasuriya and Others* the Supreme Court held that a ‘regulation neutral on the face of it may in its application nonetheless offend the constitutional requirement if it unduly burdens the full and free exercise of a right’.²¹⁷ Even if the circular falls within the ambit of the definition of law it can still be regarded as unduly burdening the right to FoRB and to establish and maintain places of worship, thereby infringing upon the constitutional right to FoRB.

Challenging administrative and executive orders

The Sri Lankan Constitution gives the Supreme Court exclusive authority to interpret the Constitution and review the constitutionality of bills,²¹⁸ in the context of pre-enactment judicial review of legislation. Citizens can challenge a bill in the Supreme Court within a week of it being placed in Parliament, but once it becomes law, it cannot be challenged even if it is an affront to constitutional guarantees. On the other hand, by virtue of Articles 17 and 126 of the Constitution the judiciary can review infringement or imminent infringement, by executive or administrative action, of a fundamental right.

In certain cases the courts have been open to review administrative and executive determinations in order to protect the right to FoRB.²¹⁹ This was observed in *The Church of the Foursquare Gospel in Sri Lanka and Rev. D.G.W. Jayalath v. Kelaniya Pradeshiya Sabha and others* where the Court of Appeal in 2009 decided that the cancellation of the construction permit by the Urban Development Authority was a conduct beyond their powers.²²⁰ Further the Court of Appeal in May 2007 in *De Silva v. Lankapura Pradeshiya Sabha* ('The Pradeshiya Sabha Case') stated that the church did not require construction approval from the Lankapura Pradeshiya Sabha.²²¹

Perspective of KIIs on circulars

A KII with an official from a Government Department noted that circulars cannot contradict Acts or the Constitution. However, the KII noted that officials are duty bound to the higher officials and the Ministry of Buddha Sasana.²²² It has nevertheless been observed that religious institutions in Sri Lanka are not obligated to undergo registration with any government body, and there is no legal stipulation requiring a government office to provide permission for the functioning of religious premises.²²³ The official from Hindu Affairs department while acknowledging the absence of specific laws that mandate registration of religious places of worship with the department, emphasised the department's authority

derived from Gazette notifications. This particular key informant noted the need for a legal framework, potentially through cabinet approval.²²⁴

The legal framework consists of statutory laws that govern the establishment of places of worship, including the construction of places of worship, therefore, the question arises if the Ministry circulars are necessary to regulate and oversee the construction of places of worship. This was further highlighted through key informant interviewees who questioned the need for additional administrative orders through circulars if existing legislation that applies to places of worship are not effectively utilized.²²⁵ Key informants elaborated that the legal framework already covers the prevention of illegal activities related to terrorism, hate speech, public nuisance, and the general maintenance of public order in places of worship.²²⁶ Therefore, it can be observed that the availability of these laws negate the need for mandatory registration. Furthermore, KIIs also noted satisfaction with the current legal framework, citing existing regulations for governing places of worship and suggested reinforcing the existing framework with improved provisions to monitor administrative bodies, avoiding the need for additional legislation.²²⁷

The Special Rapporteur on Freedom of Religion or Belief has emphasised that registration is not a prerequisite for practicing one's religion; it is merely an option for religious communities to gain legal recognition for *operational* purposes.²²⁸ Therefore, the right to worship and maintain places of worship should not be contingent on state permission. Some KIIs have proposed a solution, advocating for a voluntary notification process with uniform guidelines for all religious groups.²²⁹ KIIs have also pointed out the need to maintain the separation between the state and religion.²³⁰ KIIs expressed concerns about the potential curb of fundamental freedoms and privacy if mandatory registration is enforced, particularly how Sri Lanka can be perceived in the context of protecting and promoting the right to FoRB in the international community.²³¹

Are circulars law?

The Ministry circulars and other incidental circulars referred to in this report do not fit the constitutional definition of written law or law.²³² They do not stem from any legislation (the Ministry circulars also do not specify the law under which they are promulgated under) nor fall under subordinate legislation or any of the other criteria listed under Article 170 of the Constitution.

Registration requirements for places of worship can be viewed as limitations on the right to FoRB under Articles 10 and 14 (1)(e) of the Constitution. It is crucial to understand, under what circumstances the said fundamental rights can be limited. Article 15(7) of the Constitution stipulates that rights under Article 14 can only be restricted by *law*, which 'includes regulations made under the law for the time being relating to public security'. It has been observed that the circulars in question are not derived from existing legislation and are not 'regulations' issued under the Public Security Ordinance, No. 25 of 1947(PSO).²³³ The Supreme Court in

Thaveenathan v. Dayananda Dissanayake, Commissioner of Elections and Others construed Article 15(7) as applicable solely to emergency regulations issued under the PSO and not under any alternative legislation.²³⁴

Furthermore, based on the above discussion it can also be determined that the Ministry circulars do not fall under the limitations of FoRB as they are not regulations made under the PSO. The circulars devoid of the status of written law or law as per the Constitution, therefore, lacks legal force and should not serve as a basis to restrict constitutional rights. The circulars can be seen purely as administrative orders as they do not fall within proclamations, rules, bylaws, or regulations issued under any law. Furthermore, the circulars also do not reference any specific legislation. Therefore, without specific reference to legislation, they cannot be considered as having the sanction of any law or as constituting written law. Furthermore, the absence of legally imposed sanctions for non-registration of places of worship further raises questions about their enforceability.

V. Recommendations

In response to the urgent need to safeguard FoRB and the right to establish and maintain places of worship in Sri Lanka, this set of recommendations is focused on both legislative and non-legislative reforms, categorized as general recommendations and actionable recommendations.

General recommendations include rigid and strong implementation of the second limb of Article 9 that guarantees the rights protected under Article 10 and 14 (1) (e) of the Constitution ensuring adequate protection to religious minority communities. Moreover, all executive, legislative, and administrative actions should robustly commit to enhancing the assurance provided in Articles 10 and 14 (1)(e) that guarantee constitutional protection for FoRB. It is also prudent to recognise the existing legal and statutory framework designed to guarantee FoRB and protect against FoRB violations, and it is advisable

to utilize the current framework without imposing additional constraints on the right to establish and maintain places of worship. The review and strengthening of existing laws are therefore crucial to ensure protection for FoRB and places of worship.

The non-legislative reform proposes institutional changes directed at various public authorities, including the Ministry of Buddha Sasana, the Ministry of Education, the legislature, the executive, and the Human Rights Commission. Actionable recommendations are aimed at religious organizations such as NCEASL and further provides measures of legal recourse to affected parties whose FoRB rights are violated. These measures collectively aim to create a more equitable and harmonious environment for the diverse religious communities in Sri Lanka.

General Recommendations	Actionable Recommendations
<p>Ministry of Buddha Sasana</p> <ul style="list-style-type: none"> Rescind and revoke the 2022 Ministry of Buddha Sasana circular that requires approval for construction and functioning of places of worship. The right to FoRB and the manifestation of religion is guaranteed under the Constitution of Sri Lanka and should not be subject to any limitations such as registration or approval requirements. This is further established by the fact that the Ministry circulars and related incidental circulars do not fall under any written law or law as provided in the Constitution, therefore the right to manifest religion cannot be subject to limitations such as registration requirements. 	<p>NCEASL/CSOs</p> <ul style="list-style-type: none"> Religious organizations like NCEASL can challenge the legality of the circulars in the Supreme Court by way of fundamental rights application in accordance with Articles 17 and 126 of the Constitution. Circulars as administrative orders can be subject to review by the Supreme Court and can be quashed. Support individuals whose fundamental right to FoRB has been violated by assisting them in litigation to enable affected parties to seek redress and remedies. Conduct workshop programs for the public to educate and create awareness on the right to FoRB. Workshops should be geared to educate individuals and communities on their FoRB rights and limitations according to the law. Workshops can educate individuals on the steps or actions that they can take according to the law in the event their right to FoRB has been violated. Individuals and groups who have been requested to obtain approval from the Ministry of Buddha Sasana as per the circular should be advised to seek a copy from the respective authority enforcing said circular.
<p>Legislature</p> <ul style="list-style-type: none"> Encourage transparency and public consultation when formulating and amending laws and regulations affecting the right to freedom of religion or belief. The Sectoral Oversight Committee in Parliament can call for public consultations by way of evidence from any affected or interested party before the 2nd reading of the bill. This can be utilized to seek input from a diverse range of religious communities and civil society organizations to ensure inclusivity and respect for various perspectives. Parliamentary conduct, practices, and dialogues should set a societal standard for inter-religious faith and harmony. It is crucial for the legislature to recognise the state's role in promoting religious harmony. State actors can play a crucial role in fostering peace and religious harmony, ensuring that such an atmosphere is sustained in society. 	<p>Legal Recourse</p> <ul style="list-style-type: none"> In the event of discriminatory conduct by state officials who act unlawfully (examples include :- suspending construction approvals, hindrance from local community) an application for writ of certiorari can be initiated through the Court of Appeal. For violations of FoRB rights due to discrimination where one group of people is treated differently from another group of people due to their religious identity – a fundamental right application can be initiated in Supreme Court for violation of Articles 12 and 14 (1)(e) of the Constitution. Furthermore, the individual can also make a complaint at the Human Rights Commission of Sri Lanka. For religious violence such as assault, destruction of property, threats or intimidation and which constitutes an offence under the penal code, criminal procedure code or the ICCPR, an action can be filed by the individual in the Magistrate or High Court. For religious violence from incitement to violence resulting in arson, theft, destruction of property, criminal trespass and breach of peace, relief can be sought from section 3 of the ICCPR in the High Court.

General Recommendations	Actionable Recommendations
<p>Executive</p> <ul style="list-style-type: none"> Each religious community should be represented by its own respective public authority which maintains autonomy over said community. This ensures the prevention of the majority religion's dominance and is crucial to avoid discrimination against minority religious communities. This approach aims to avoid the overarching influence of the majority religion on other religious communities. 	
<p>Ministry of Education</p> <ul style="list-style-type: none"> Encourage religious tolerance and harmony between religious communities by including a detailed subject on religious harmony in the school curriculum. School curriculum can play a central role in promoting inter-faith harmony by having students engage in studies that create awareness on religious harmony. The civics subject in the grade 6 curriculum contains a topic on 'services rendered by places of worship'. However it would be beneficial to expand the scope of this topic into a more detailed and elaborate subject offering a more in-depth perspective on religious harmony and tolerance. 	
<p>Religious Organizations</p> <ul style="list-style-type: none"> Religious Civil Society Organizations can conduct workshops that educate and create awareness on tolerance and coexistence. Workshops should be geared towards enabling citizens to exercise their rights responsibly and in good faith. Recognition of religious groups should be exclusively vested in separate religious organizations that represent their respective faiths. For instance, the National Christian Council, NCEASL, can maintain their own database with regard to places of worship. Such recognition should not impose restrictions on the ability to gather and worship. This approach shifts the focus away from recognition for places of worship granted by government bodies, thereby ensuring autonomy for religious organizations. 	

General Recommendations	Actionable Recommendations
<p>Human Rights Commission</p> <ul style="list-style-type: none"> ▪ To promote awareness and educate members of the police and security forces the importance of upholding FoRB in an equitable and non-discriminative manner strictly keeping with the rule of law. ▪ To take steps to advise and educate state actors including public service sector, statutory corporations and authorities that take decisions with regard to construction of places of worship. ▪ To create greater awareness among critical actors within the state’s administrative apparatus in order to reduce and eliminate actions that erode the right to religious worship vis-à-vis the places of religious worship. ▪ To make recommendations to the Ministry of Buddha Sasana to ensure that any administrative order that regulates places of worship should be in line with the constitution of Sri Lanka and international human rights standards. ▪ Should interpret Article 9 in line with Article 10 and 14 (1)(e) to clearly indicate that equal protection is to be granted to all followers of religions and believers and non-believers. This allows the bureaucracy to further act in cognizance with this interpretation. 	
<p>Mediation Board</p> <ul style="list-style-type: none"> ▪ Facilitate understanding between affected and concerned parties. In instances of disputes or disagreements on the construction and establishment in places of worship where the local community is opposed to a possible construction of a place of worship – there should be a body that facilitates for understanding and toleration. This would prevent religious disharmony whilst avoiding potential conflict. 	
Legislative	
<p>ICCPR Act No. 56 of 2007</p> <ul style="list-style-type: none"> ▪ Ensure that the domestic ICCPR Act mirrors Article 27 of the International Covenant on Civil and Political Rights and accords protection to minority communities to full and free exercise of their right to FoRB. This would ensure special protection for marginalised minority religious communities. Amend Article 3 (1) of the ICCPR Act to restrict the overinclusive application of this section and prevent abuse. 	

Endnotes

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 - 28 *Premalal Perera V Weerasuirya and Others* 1985 3SLR 177
 - 29 Supreme Court Determination No. 2/2001; Supreme Court Determination No. 2/2003; Supreme Court Determination No. 19/2003; in Supreme Court Determination No. 2/2001
 - 30 Supreme Court Determination No. 2/2001. Also see; Minor matters, 'Sri Lankan Case Law on Religious Freedom Related Issues', at < <https://www.minormatters.org/storage/app/uploads/public/5b5/5a5/3b6/5b55a53b6c603498014554.pdf>> [last accessed 28 October 2023], p.1
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 - 46 Key informant interview with a Pastor of Foursquare church.
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- 62 United States Department of State, 'Report on International Religious Freedom - Sri Lanka', (2016) at <<https://lk.usembassy.gov/wp-content/uploads/sites/149/2017/08/International-Religious-Freedom-Report-2016-SL.pdf>> [last accessed 11 December 2023], p.5; Key informant interview with government official stated, 'Obtaining title deeds in the Northern and Eastern provinces has been challenging, mainly due to the prolonged conflict in the region. Many buildings, some over a century old, still lack proper title deeds. The situation is particularly dire for Muslims who were displaced after 1990, as they struggle to establish possession rights. Current developments necessitate title deeds, but the land registry records have been damaged and lost, adding to the difficulties.'
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- 77 Cole Durham, *Freedom of Religion or Belief: Laws Affecting the Structuring of Religious Communities or Belief*, (1999) p. 8-9.
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- 80 Article 26, International Covenant on Civil and Political Rights 1966, provides 'All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status'.
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- 84 Article 27, International Covenant on Civil and Political Rights 1966, provides 'In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language'.
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- 89 Article 18 (3) of International Covenant on Civil and Political Rights 1966 provides 'Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others'.
- 90 Article 22 (2) of International Covenant on Civil and Political Rights 1966 provides 'No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (order public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right'.
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- 102 Article 5 (vii), International Convention on the Elimination of All Forms of Racial Discrimination, 1965, provides 'The right to freedom of thought, conscience and religion'.
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- 109 Article 7, Universal Declaration of Human Rights, provides 'All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination'.
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- 152 Ayesha Wijayalath, 'Constitutional Contestation of Religion in Sri Lanka', National University of Singapore, (May, 2018), at <<https://law.nus.edu.sg/wp-content/uploads/2020/04/CALS-WPS-1803.pdf>> p.7; 'Buddha Sasana is defined as the Buddha, the nine super-mundane (navalokuttara) Dhamma, the Sangha, the Buddhist temples (viharas) with their ancillary structures, forest hermitages (aranya senasana) and meditation centres, Bo trees, stupas, image houses, relic chambers, dhamma books and libraries, designated buildings for performance of vinaya acts by the sangha (uposathagara), fields, gardens and properties belonging to the Buddhist temples, Buddhist education, devalas, nuns and nunneries, the laity who had taken refuge in the Triple Gem, Buddhist literature, culture and civilisation, Buddhist festivals and processions (peraharas), Buddhist customs and traditions, Buddhist principles and values and all that are required for its perpetuity' at <<https://www.lankaweb.com/news/items/2012/05/01/report-of-the-buddha-sasana-presidential-commission-2002-summary-of-conclusions-and-recommendations/>> [last accessed 1 April 2024]
- 153 Rohan Edrisinha and Asanga Welikala, Civil and Political Rights in the Sri Lankan Constitution and Law: Making the New Constitution in Compliance with the ICCPR, (Centre for Policy Alternatives, November 2016), at <<https://www.cpalanka.org/wp-content/uploads/2016/11/Working-Paper-8.pdf>> [last accessed 8 November 2023], p. 45.
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- 164 Section 3 (1), The International Covenant on Civil and Political Rights (ICCPR) Act No. 56 of 2007, provides 'no person shall propagate war or advocate national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence'.
- 165 Gehan Gunatillake, 'How a Human Rights Law Became a Tool of Repression in Sri Lanka' (*Himal Southasian*, 7 February 2023) at <<https://www.himalmag.com/iccr-human-rights-law-repression-blasphemy-sri-anka/>> [last accessed 24 August 2023].
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- 167 Gehan Gunatillake, 'How a Human Rights Law Became a Tool of Repression in Sri Lanka' (*Himal Southasian*, 7 February 2023) at <<https://www.himalmag.com/iccr-human-rights-law-repression-blasphemy-sri-anka/>> [last accessed 24 August 2023].
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- 169 Section 290 provides '*Whoever destroys, damages, or defiles any place of worship, or any object held sacred by any class persons, with the intention of thereby insulting the religion of insult the any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage,*

or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both’.

- 170 Section 290A provides ‘Whoever does any act, in or upon, or in the vicinity of, any place of worship or any object which is held sacred with intent to or in veneration by any class of persons, with the intention wounding the religious feelings of any class of persons or with the knowledge that any class of persons is likely to consider such act as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both’.
- 171 Section 291 provides ‘Whoever voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship or religious ceremonies shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.’
- Section 292 provides ‘Whoever, with the intention of wounding the feelings of any person, or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or on any place of sepulture or any place set apart for the performance of funeral rites, or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the performance of funeral ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.’
- 172 Section 292 provides ‘Whoever, with the intention of wounding the feelings of any person, or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or on any place of sepulture or any place set apart for the performance of funeral rites, or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the performance of funeral ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.’
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- 193 PM/PRS/03 2010.06.28
- 194 *ibid*; Inspector General of Police Circular No. – 2154/2009; Criminal Circular No. -08/2009
- 195 Paragraph 1, Inspector General of Police Circular No. – 2154/2009; Criminal Circular No. -08/2009;
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Annexures

Annex 1 - Police circular 2009

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මගේ අංකය - 8.3/227/2008
පොලීසි මූලස්ථානය,
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සියලුම පො.නි.නො.ප. / නි.නො.ප. වරුන්,
සියලුම දිසා / කොට්ඨාශ / දිස්ත්‍රික්ක
ස්ථාන හා නිලධාරීන් වෙත

නව ආගමික ස්ථාන ඉදි කිරීම

අවධිමත් අයුරින් දිවයිනේ විවිධ පළාත් වල නව ආගමික ස්ථාන ඉදිකිරීම හේතුවෙන් පැන නැගිය හැකි ගැටුම්කාරී තත්වයන් වලක්වාලීම පිණිස ආගමික කටයුතු හා සඳහා වර්ධන අමාත්‍යාංශයේ ලේකම් විසින් ප්‍රාදේශීය ලේකම්වරුන් සහ පළාත් පාලන ආයතන නිලධාරීන්ට ලබා දී ඇති උපදෙස් ක්‍රියාත්මක කිරීමට එම අමාත්‍යාංශයේ ලේකම් විසින් පොලීසියේ සහය අපේක්ෂා කරයි.

02. ආගමික කටයුතු හා සඳහා වර්ධන අමාත්‍යාංශයේ ලේකම් විසින් පළාත් සභා සහ පළාත් පාලන අමාත්‍යාංශයේ ලේකම්, සියලුම දිස්ත්‍රික් ලේකම්වරුන් සහ පළාත් පාලන ආයතන වල ප්‍රධානීන් වෙත ලබා දී ඇති උපදෙස් අනුව නව ආගමික සිද්ධස්ථාන ඉදිකිරීමේදී අනුගමනය කළ යුතු ක්‍රියා මාර්ගයන් මෙසේය.

2 : 1 නව ආගමික ස්ථාන සඳහා ගොඩනැගිලි ඉදිකිරීමේදී අනෙකුත් අවශ්‍යතාවයන්ට අමතරව ආගමික කටයුතු හා සඳහා සංවර්ධන අමාත්‍යාංශයේ ලේකම්ගේ එකඟතාවය ලබා ගතයුතු අතර, ඒ සඳහා නියමිත අයදුම්පත්‍රය හරියාකාරව සම්පූර්ණ කර අදාළ මහනගර සභාව/ නගර සභාව/ ප්‍රාදේශීය සභාව වෙත ඉදිරිපත් කළ යුතුයි.

2 : 2 අදාළ ආයතනය මගින් අයදුම්කරු විසින් සඳහන්කරනු ලබන කරුණු පරීක්ෂා කර අදාළ ප්‍රාදේශීය ලේකම්ගේ නිර්දේශයද, තම නිරීක්ෂණයද සමඟ ආගමික කටයුතු හා සඳහා වර්ධන අමාත්‍යාංශය වෙත ඉදිරිපත් කරනු ඇත.

2 : 3 අනතුරුව එම අමාත්‍යාංශය විසින් අදාළ කරුණු අධ්‍යයනය කර වාර්තා කිරීම සඳහා පත්කරන ලද කමිටුවක් වෙත එය යොමු කරනු ලැබේ.


2 : 4 කමිටු වාර්තාවේ සඳහන් කරුණු සැලකිල්ලට ගැනීමෙන් අනතුරුව ආගමික කටයුතු හා සඳහා සංවර්ධන අමාත්‍යාංශයේ නිරණ අදාළ ආයතන වෙත ඉදිරි පියවර ගැනීම සඳහා ඉදිරිපත් කරනු ඇත.

2 : 5 ප්‍රාදේශීය ලේකම්වරුන් වෙතින් රජයේ ඉඩම් ආගමික ස්ථාන ඉදිකිරීම සඳහා ඉල්ලා සිටින විටදී ඉහත ක්‍රියා පිළිවෙත ඔවුන් විසින්ම අනුගමනය කළ යුතු වේ.

2 : 6 ඉහත සඳහන් ක්‍රියා පිළිවෙතින් බැහැරව කෙලින්ම අමාත්‍යාංශය අමතා එකඟතාවයක් ලබා ගැනීමට නොහැකි අතර, විධිමත් අනුමැතියක් ලබා ගැනීමෙන් කෙරව ඉදිකිරීම් කිරීමට ඉඩ දිය යුතු නොවේ.

03. ඉහත සඳහන් කරුණු අනුව විධිමත් අනුමැතියකින් කෙරව නව ආගමික ස්ථාන ඉදිකිරීම හේතුවෙන් පැන නැගිය හැකි ගැටුම්කාරී තත්වයන් වලකාලනු පිණිස අදාළ ආයතන වෙත පොලීසියේ සහය ලබා දිය යුතුයි.

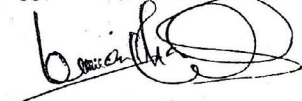
04. මෙම චක්‍රලේඛය උපදෙස් පත්ති වලදී කියවා නිලධාරීන් දැනුවත් කළ යුතු බවත්, මෙහිදී පොලීසියේ ක්‍රියාමාර්ගයන් නිසි පරිදි ඉටු වේද යන්න උසස් නිලධාරීන් අධීක්ෂණය කළ යුතු බවත් අවධාරණය කරමි.


(එම්.ඒ.ජේ.එස්.කේ. විසුමරත්න)
පොලීසි සේවාව

කිරීමේ අවශ්‍යතාවය උද්ගත වී ඇත. ඒ අනුව ඔබගේ කොට්ඨාශය තුළ අනවසරයෙන් ඉදිකරනු ලබන හෝ පවත්වාගෙන යනු ලබන ඕනෑම ආගමකට අයත් ස්ථානයන්හි කටයුතු ඒවා ආරම්භයේදීම අත්හිටුවීමට හැකි වන පරිදි ග්‍රාම සේවා නිලධාරීන් සහ බෞද්ධ කටයුතු සමායෝජක නිලධාරීන් දැනුවත් කොට ඔවුන්ගේ සම්බන්ධීකරණයද සහිතව සුදුසු පරිදි වැඩපිළිවෙළක් සකස් කර ක්‍රියාත්මක කරන ලෙස මෙයින් කාරුණිකව ඉල්ලා සිටිමි.

04. ඒ අනුව යම් ආගමික ස්ථානයක් අනවසරයෙන් ඉදිකිරීමට හෝ පවත්වාගෙන යාමට කටයුතු කරන බව වාර්තා වූ වහාම ඒ සඳහා වූ නීතිමය තත්ත්වය අදාළ පාර්ශවයන් වෙත පැහැදිලි කොට දී, අවශ්‍ය අවස්ථාවන්හිදී ඒ සඳහා පොලිසියේ සහායද ලබාගෙන එම ක්‍රියාව වැළැක්වීමට කටයුතු කරන ලෙස ඉල්ලා සිටින අතර, එවැනි තත්වයක් ඉදිකිරීමට හෝ පවත්වාගෙන යාමට අවශ්‍ය වන්නේ නම් මෙම අමාත්‍යාංශයේ අනුමැතිය අත්‍යවශ්‍ය බවට අදාළ පාර්ශවයන් දැනුවත් කොට එම ඉල්ලීම් අදාළ ආකෘති පත්‍රය මඟින් ලබාගැනීමට කටයුතු කරන ලෙස වැඩිදුරටත් කාරුණිකව ඉල්ලා සිටිමි.

05. මේ සම්බන්ධයෙන් ඔබ ලබා දෙන සහයෝගය ඉතා අගය කොට සලකමි.

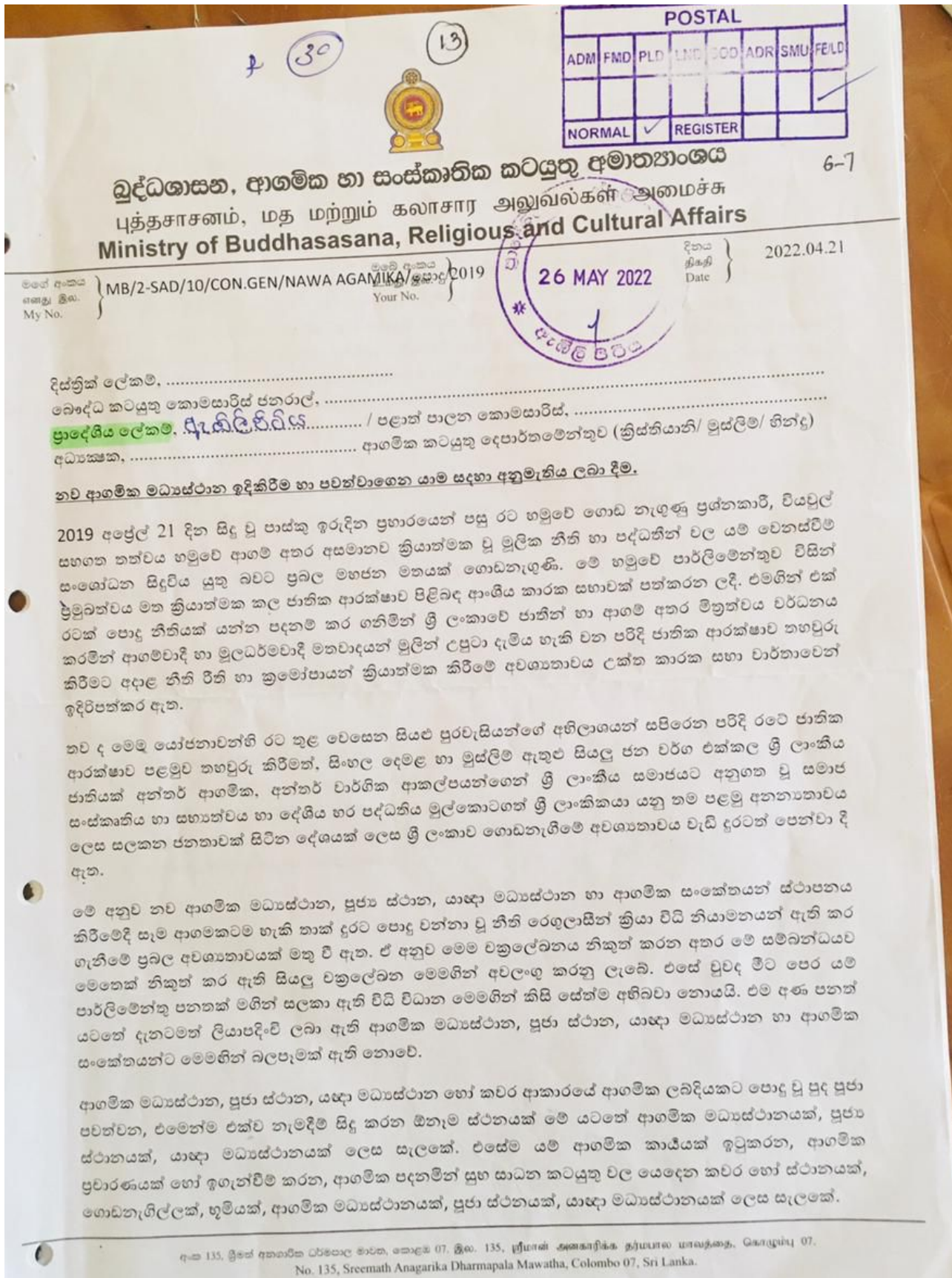


එම්.එස්. කපුකොටුව
 ජ්‍යෙෂ්ඨ සහකාර ලේකම් (බෞද්ධ කටයුතු),
 බුද්ධශාසන හා ආගමික කටයුතු අමාත්‍යාංශයේ
 ලේකම් වෙනුවට.

පිටපත් :

- 01. ගරු නගරාධිපතිතුමා, නගර සභාව - කරු. දැ.ගැ.ස. සහ අ.ක.ස.
- 02. ගරු සභාපතිතුමා, ප්‍රාදේශීය සභාව --එම--
- 03. පොලිස්පතිතුමා - කරු. දැ.ගැ.ස. සහ ජ්‍යෙෂ්ඨ පොලිස් අධිකාරිවරුන් මඟින් සියලුම පොලිස් ස්ථානාධිපතිවරුන් දැනුවත් කිරීම සඳහා
- 04. දිස්ත්‍රික් ලේකම්, - කරු. දැ.ගැ.ස. සහ අ.ක.ස.
- 05. බෞද්ධ කටයුතු කොමසාරිස් ජනරාල් --එම--
- 06. අධ්‍යක්ෂ, භික්ෂු ආගමික හා සංස්කෘතික කටයුතු දෙපා. --එම--
- 07. අධ්‍යක්ෂ, ක්‍රිස්තියානි ආගමික කටයුතු දෙපාර්තමේන්තුව --එම--
- 08. අධ්‍යක්ෂ, මුස්ලිම් ආගමික හා සංස්කෘතික කටයුතු දෙපා. --එම--
- 09. ලේකම්, 2600 ශ්‍රී සම්බුද්ධත්ව ජයන්ති ජනා. මෙහෙ. කමිටුව --එම--

Annex 3 – Ministry circular 2022



නව ආගමික ස්ථාන ඉදිකිරීමට අවසර ලබා ගැනීම අයදුම්පත සම්පූර්ණ කිරීමේදී පහත දැක්වෙන කරුණු පිළිබඳව අවධානය යොමුකළ යුතුය.

01. අයදුම්පතෙහි II කොටසෙහි, ඉදිකිරීම් කරනු ලබන ස්ථානය අයත් වන ප්‍රාදේශීය ලේකම් කොට්ඨාශයේ ප්‍රාදේශීය ලේකම්ගේ නිරීක්ෂණ හා නිර්දේශ ඉදිරිපත් කළ යුතුය.

a. මෙහිදී අදාළ නව ආගමික ස්ථානය පවත්වාගෙන යාම පිළිබඳ පැහැදිලි නිර්දේශකයක් ප්‍රාදේශීය ලේකම් විසින් ලබා දී තිබීම (පවත්වාගෙන යාම සුදුසු හෝ නොසුදුසු බව) අනුමැතිය ලබාදීමේ කටයුතු සඳහා පහසුවක් වනු ඇත.

02. අයදුම්පතෙහි III කොටසෙහි, ඉදිකිරීම් කරනු ලබන ස්ථානය අයත් වන ප්‍රාදේශීය සභාවේ සභාපතිගේ හෝ මහ නගර සභාවේ නාගරික කොමසාරිස්ගේ හෝ නගර සභාවේ නගරාධිපතිගේ හෝ නිරීක්ෂණ හා නිර්දේශ ඉදිරිපත් කළ යුතුය.

03. ඉදිකිරීම් කරනු ලබන ස්ථානය අයත් ප්‍රාදේශීය ශාසනාරක්ෂක මණ්ඩලයේ ගරු ලේඛකාධිකාරී ස්ථාමින් වහන්සේගේ නිර්දේශ ලිපියක් මගින් ඉදිරිපත් කළ යුතුය.

a. ලේඛකාධිකාරී ස්ථාමින් වහන්සේගේ නිර්දේශ ලිපිය අත්‍යවශ්‍ය වන අතර අයදුම්පත ඉදිරිපත් කරන්නේ ලේඛකාධිකාරී ස්ථාමින් වහන්සේ විසින් නම් එම ප්‍රාදේශීය ශාසනාරක්ෂක මණ්ඩලයේ සභාපති හිමියන්ගේ නිර්දේශ ලිපියක් ඉදිරිපත් කළ යුතුය.

04. ඉදිකිරීම් සිදු කිරීමට නියමිත ඉඩම් පෞද්ගලික ඉඩමක් නම් එය ඉදිරි හික්සු පරම්පරාවට හිමි වන පරිදි සහසතු කොට පුජා කර ඔප්පුවේ පිටපතක් ඉදිරිපත් කළ යුතු අතර රජයේ ඉඩමක් වන්නේ නම්, එය අයිති රජයේ ආයතනය අදාළ ඉඩම් කොටස ලබා දීමට කටයුතු කරන බවට ආයතන ප්‍රධානියා මගින් ලිපියක් ඉදිරිපත් කර තිබිය යුතුය.

a. පෞද්ගලික අයිතිය හිමි ඉඩම්වල නව ආගමික මධ්‍යස්ථානයක් පවත්වාගෙන යාම සඳහා බුද්ධශාසන අමාත්‍යාංශයේ අනුමැතිය ලබා නොදෙන අතර ඒ සඳහා පුජා ඔප්පුවේ පිටපතක් ඉදිරිපත් කර තිබීම අනිවාර්යය.

b. අදාළ ඉඩම වන රක්ෂිතයට අයත් වන්නේ නම් වන සංරක්ෂණ අධිකාරිය මගින් ලබාගත් අවසරය සහිත නිර්දේශල ලිපියක් ඉදිරිපත් කළ යුතුය.

c. රජයේ ඉඩමක නව ආගමික මධ්‍යස්ථානයක් පවත්වාගෙන යාමේදී එය අයත් රාජ්‍ය ආයතනය මගින් ආගමික මධ්‍යස්ථානය පවත්වාගෙන යාම සඳහා අවසර ලබාගෙන තිබිය යුතුය.

d. රජයේ ඉඩමක ආගමික මධ්‍යස්ථානයක් පවත්වාගෙන යාම සඳහා ඉල්ලුම් කරන විට ප්‍රාදේශීය ලේකම් විසින් අදාළ ඉඩම සඳහා ඉදිරියේදී පුජා ඔප්පුවක් සකස් කිරීම සඳහා දැනට ගෙන ඇති ක්‍රියාමාර්ග හා ඉදිරියේදී ගතහැකි ක්‍රියාමාර්ග පිළිබඳ ආවර්ණ ලිපියෙහි සඳහන් කොට තිබීම වඩාත් පහසුවක් වනු ඇත.

05. අනුමැතිය ලබා ගත යුත්තේ මාර්ගයක හෝ කිසියම් ස්ථානයක පොදු කටයුතු සඳහා බුදු පිළිමයක් හෝ බුදු මැදුරක් ඉදිකිරීම සඳහා වන්නේ නම් ඒ සඳහා ඉල්ලීම් කළ යුත්තේ කිසියම් ආයතනයක් හෝ සංවිධානයක් මගින් වන අතර පෞද්ගලික ඉල්ලීම් සඳහා අනුමැතිය ලබා නොදේ. මේ සඳහා අනුමැතිය අදාළ ප්‍රදේශයේ ප්‍රාදේශීය ලේකම් විසින් ලබාදීම ප්‍රමාණවත්ය. (ඉල්ලි පිළිබඳ ගැටළුවක් පවතින්නේ නම් පමණක් ප්‍රාදේශීය ලේකම් විසින් බුද්ධශාසන අමාත්‍යාංශයේ ලේකම්තුමා වෙත යොමුකළ යුතුය.

06. අනුමැතිය ලබාදීම සඳහා ඉහත සඳහන් නිර්දේශ අනිවාර්ය වේ.

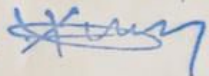
ලිපිනය :- ලේකම්, බුද්ධශාසන ආගමික හා සංස්කෘතික කටයුතු අමාත්‍යාංශය , අංක 135, ශ්‍රීමත් අනගාරික ධර්මපාල මාවත, කොළඹ 7

දුරකථන අංක 011 2303294, 011 2307674

යම් ආගමක හෝ ලබ්දියක පොදු ගෞරවයට ලක්ව ඇති සංකේතයක්, රූපයක්, වෘක්ෂයක්, නිර්මිතයක් ආදිය ආගමික සංකේතයක් ලෙස සැලකේ. ඒ ඒ ආගම් වලට අදාලව ලියාපදිංචි නිර්ණායක හා ක්‍රමවේදයන් සකස් කර අමාත්‍යාංශ ලේකම්ගේ අනුමැතිය ලබා ගැනීමටත්, ලියාපදිංචි කිරීම හා අධීක්ෂණය ඒ ඒ ආගමික කටයුතු හාර දෙපාර්තමේන්තු ප්‍රධානියාගේ වගකීම වේ.

ප්‍රධාන ආගම් හතරට සම්බන්ධ (බුද්ධාගම, හින්දු, කතෝලික, ඉස්ලාම් ආගම් වලට අදාල දෙපාර්තමේන්තු ප්‍රධානීන් මගින්) විවිධපාර්ශවයන්, නිකායක්, ආගමික කණ්ඩායම් සම්බන්ධව ඒ ආකාරයෙන් ක්‍රියාකල යුතු වේ. ප්‍රදේශීය ලේකම් විසින් අමුණා ඇති අයදුම් පත්‍රය නිසි පරිදි ඉල්ලුම්කරු මගින් සම්පූර්ණ කර, අදාල ආගමික, ප්‍රාදේශීය නායකත්වයේ (උදා: බෞද්ධ ආගමේ නම් ප්‍රාදේශීය ශාසනාරක්ෂක බලමණ්ඩලයේ සභාපති/ ලේඛකාධිකාරී හිමි) නිර්දේශ සමග තම නිරීක්ෂණ හා නිර්දේශ සහිතව දිස්ත්‍රික් ලේකම් වෙත ඉදිරිපත් කල යුතු වේ. දිස්ත්‍රික් ලේකම් විසින් තම නිරීක්ෂණ හා නිර්දේශ සමග මෙම අමාත්‍යාංශ ලේකම් වෙත යොමු කල යුතුය. අමාත්‍යාංශ ලේකම්වරයා අනුමැතිය ලබා දීමේ දී අවශ්‍ය යැයි හැඟේන්නේනම් සුදුසු කමිටුවක් වෙත ඉදිරිපත් කර නිර්දේශ ලබා ගත හැකිය.

මේ අනුව විධිමත් අනුමැතියකින් තොරව පවත්වාගෙන යනු ලබන ආගමික සිද්ධස්ථානයක් සම්බන්ධව නීත්‍යානුකූලව ක්‍රියා කිරීම සඳහා අවශ්‍යවන්නා වූ නව නීතීන් ඉදිරියේදී පනවනු ලැබේ.

G. H. 

දේශබන්ධු මහාචාර්ය කපිල ගුණවර්ධන
ලේකම්
බුද්ධශාසන ආගමික හා සංස්කෘතික කටයුතු අමාත්‍යාංශය

පිටපත -

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|---|----------------|
| 1. ජනාධිපති ලේකම්, ජනාධිපති කාර්යාලය | - කරු.දැ.ගැ.ස. |
| 2. අග්‍රාමාත්‍ය ලේකම්, අග්‍රාමාත්‍ය කාර්යාලය | - කරු.දැ.ගැ.ස. |
| 3. ලේකම්, ආරක්ෂක කටයුතු අමාත්‍යාංශය | - කරු.දැ.ගැ.ස. |
| 4. ලේකම්, රාජ්‍ය පරිපාලන හා ස්වදේශ කටයුතු අමාත්‍යාංශය | - කරු.දැ.ගැ.ස. |
| 5. ලේකම්, පළාත් පාලන අමාත්‍යාංශය | - කරු.දැ.ගැ.ස. |

අළුතින් ආගමික ස්ථානයක් ඉදිකිරීම හෝ පවත්වාගෙන යාම පිණිස අවසර ලබා ගැනීම

01. අයදුම්කරුගේ නම සහ ලිපිනය:-.....
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02. මෙය නව ආගමික ගොඩනැගිල්ලක් ඉදිකිරීමක් ද නැතහොත් නව ආගමික මධ්‍යස්ථානයක් පවත්වාගෙන යාමක් ද?
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 - ii. ආගමික ගොඩනැගිල්ලක් ඉදිකිරීමට / ආගමික මධ්‍යස්ථානයක් පවත්වාගෙන යාමට අපේක්ෂිත ස්ථානයේ නම සහ ලිපිනය
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 - iii. ආගමික ගොඩනැගිල්ල ඉදිකරන ආගමික මධ්‍යස්ථානය පවත්වාගෙන යන ඉඩමේ ස්වභාවය (රජයේ ඉඩමක් / පෞද්ගලික ඉඩමක් / රාක්ෂිතයක් / වෙනත්)
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 - iv. ආගමික ගොඩනැගිල්ල ඉදිකරන / ආගමික මධ්‍යස්ථානය පවත්වාගෙන යන ඉඩමේ අයිතියේ ස්වභාවය
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 - v. නව ආගමික ස්ථානය ඉදිකිරීමට / පවත්වාගෙන යාමට ඉල්ලුම්කරන ගොඩනැගිල්ලේ ස්වභාවය
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 - vi. එම ඉදිකිරීම / මධ්‍යස්ථානය පවත්වාගෙන යාම තුළින් අපේක්ෂා කරන අරමුණු හා කාර්යයන්.
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03. ඉල්ලීම ඉදිරිපත් කරන ආගමේ සංවිධානයේ නම:-.....
 - ii. එම ආගම අයත් නිකායක් තිබේනම් එය ද සඳහන් කරන්න. :.....
 - iii. ශ්‍රී ලංකාවේ තිබෙන මූලස්ථානයේ ලිපිනය (තිබේ නම්):-

(අදාළ ප්‍රාදේශීය ලේකම් කාර්යාලය විසින් සම්පූර්ණ කිරීම සඳහා)

II කොටස

නිරීක්ෂණ සහ නිර්දේශ

07. i. නව ආගමික ස්ථානය ඉදිකිරීමට / පවත්වාගෙන යාමට අපේක්ෂිත ගොඩනැගිල්ලේ ස්වභාවය

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ii. අපේක්ෂිත ස්ථානයේ ලිපිනය

.....
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iii. ප්‍රාදේශීය ලේකම් කොට්ඨාසය:-..... දිස්ත්‍රික්කය:-.....

ප්‍රාදේශීය ලේකම්ගේ නිරීක්ෂණ

..... නව ආගමික මධ්‍යස්ථානයක් වශයෙන්
පවත්වාගෙන යාම (නිර්දේශ කරමි / නිර්දේශ නොකරමි) - (අනවශ්‍ය වුවන කපා හරින්න)
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(ප්‍රාදේශීය ලේකම්ගේ නිරීක්ෂණ සහ නිර්දේශ ඇතුළත් ලිපියක් ඉදිරිපත් කරන්න. ප්‍රාදේශීය ලේකම් කාර්යාලය හරහා
අයදුම්පත යොමු කිරීමේදී ඇමිණුම් විස්තර ආචරණ ලිපියෙහි සඳහන් කරන්න)

දිනය :

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ප්‍රාදේශීය ලේකම්ගේ
අත්සන සහ නිල මුද්‍රාව

iv. එම ආගමේ / සංවිධානයේ ශ්‍රී ලාංකික ප්‍රධානියාගේ නම සහ ස්ථීර පදිංචි ලිපිනය :
 (ඉහත තොරතුරු සනාථ කිරීම සඳහා අදාළ ලිපිවල ඡායාරූපයක් අමුණා එවන්න)
 (ශ්‍රී ලංකාවේ සාම්ප්‍රදායික ආගම් සඳහා මෙම ලියවිලි ඉදිරිපත් කිරීම අවශ්‍ය නොවේ)

04. ප්‍රදේශය තුළ පදිංචි එම ආගමට / සංවිධානයට අයත් සාමාජිකයින් සංඛ්‍යාව පිළිබඳ තොරතුරු:
 අ.) ප්‍රාදේශීය සභා බල ප්‍රදේශයක නම් නියමිත ස්ථානයට කි.මී. 3ක වට ප්‍රමාණයක් තුළ පදිංචි සංඛ්‍යාව :.....
 ආ) නගර සභා / මහ නගර සභා බල ප්‍රදේශයක නම් නියමිත ස්ථානයට කි.මී. 2ක වට ප්‍රමාණයක් තුළ පදිංචි සංඛ්‍යාව :.....
 (ග්‍රා.නි. සහතිකය මගින් සනාථ කරන්න.)

05. ඉහත අංක 04 හි සඳහන් ප්‍රදේශය තුළ වෙනත් ආගම්වලට අයත් පුජනීය ස්ථාන තිබේ නම් ඒවා පිළිවෙලින් සඳහන් කරන්න.

අයත් ආගම	ලිපිනය	යෝජිත ස්ථානයේ සිට ඇති දුර ප්‍රමාණය

06. එකී ප්‍රදේශය තුළත් ඊට ආසන්නවත් තිබෙන ඉල්ලුම් කර ඇති ආගමට අයත් වෙනත් ආගමික ස්ථාන පිළිබඳ විස්තර

ලිපිනය	යෝජිත ස්ථානයට ඇති දුර ප්‍රමාණය

ඉහත තොරතුරු නිවැරදි බව සහතික කරමි.

දිනය:-

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 ඉල්ලුම්කරුගේ අත්සන
 නම සහ නිල මුද්‍රාව

(අදාළ පළාත් පාලන ආයතනය විසින් පමණක් සම්පූර්ණ කිරීම සඳහා)

III කොටස

පළාත් පාලන ආයතනයේ නම සහ ලිපිනය :

යොමු අංකය:-.....

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නිරීක්ෂණ හා නිර්දේශ

08. ඉල්ලුම්කරු දක්වා ඇති කරුණුවල නිවැරදිභාවය පිළිබඳ සහතිකය (සාවද්‍ය කරුණු සඳහන් කොට ඇත්නම් නිරවද්‍ය තොරතුරු සටහන් කරන්න)

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09. අපේක්ෂිත ගොඩනැගිල්ල ඉදිකිරීමෙන් ආගමික මධ්‍යස්ථානය පවත්වාගෙන යාමෙන් ප්‍රදේශයේ ආගමික සංහිදියාවට කුමන හෝ බලපෑමක් / හානියක් සිදුවීමට අවකාශ තිබේ නම් ඒ පිළිබඳ විස්තර ඉදිරිපත් කරන්න.

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10. නිගමනයට එළඹීම සඳහා වැදගත් වේයැයි අදහස් කරන වෙනත් යම් කරුණු වේ නම් සඳහන් කරන්න.

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11. මහ නගර සභාවේ / නගර සභාවේ / ප්‍රාදේශීය සභාවේ නිරීක්ෂණ හා නිර්දේශ
..... නව ආගමික මධ්‍යස්ථානයක් වශයෙන් පවත්වාගෙන යාම (නිර්දේශ කරමි / නිර්දේශ නොකරමි) - (අනවශ්‍ය වුවන කළා හැටින්න)

දිනය :-.....

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අත්සන සහ නිල පුද්ගල
(ගරු නගරාධිපති / ගරු සභාපති / නාගරික කොමසාරිස් විසින් පමණක් අත්සන් කළ යුතුය)

